

CENTRAL ASIA:
THE POLITICS OF POLICE REFORM

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CENTRAL ASIA: THE POLITICS OF POLICE REFORM

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The capacity of security forces to both prevent and provoke conflict is increasingly recognised. Police forces can play a vital role in providing the security environment necessary for peaceful political and economic development, and are at the forefront of tackling international security issues, including drugs trafficking, the proliferation of weapons of mass destruction, and terrorism. A competent and democratised security sector is vital to enhancing governance and ensuring greater public trust in the state. Bad security forces, on the other hand, can provoke or deepen conflict and create environments where terrorism can prosper. Getting the security sector right is a key element in conflict prevention.

Unlike in many developing countries, the military in Central Asian states plays a more limited role in everyday political life than the interior ministries. Police forces in the region are much more powerful than the militaries and include their own armed units designed for internal control. They have a considerable role in political life that may grow further in the future. Although the role of militaries in Central Asian societies should not be ignored, the internal security forces pose the greater threat to stability and the greater opposition to deeper economic and political reform.

In Central Asia the structures of most police forces have changed little since the Soviet period. While societies and economic systems have undergone rapid transition, the organs of state security remain largely unreformed. In many ways they are actually worse than under the Soviet state: more corrupt, less responsive to the population, more involved in organised crime, and often out of the control of political masters. The police are feared, mistrusted and viewed as ineffective in protecting the population from crime.

The security sector in Central Asian states suffers from under-funding, lack of qualified personnel, and rampant corruption. The Ministry of Interior in Kyrgyzstan receives less than 25 per cent of its funding from the budget; the rest comes from a mixture of businesses, protection rackets and extortion. In Tajikistan the figures are even worse. The police have to break the law simply to carry out their duties, often starting the day by extorting petrol from drivers for their patrol cars and devoting much of their time to illegally boosting their small official salaries. They have become increasingly ineffectual at fighting serious crime and terrorism, partly because they have themselves become closely entangled in criminal networks engaged in contraband and drugs trafficking.

The entire security sector in these countries – including the military, the judicial and penal systems and the various forces charged with internal security – requires sustained, long-term reform. This report, however, focuses on the most problematic of the institutions, the police, which has the greatest potential to cause future instability.

There are three main areas where unreformed police forces have a serious detrimental impact on development and pose a threat to stability.

First, police forces and the justice system are not effective in countering serious criminal and terrorist threats. Although in some instances and in all three countries the police have done valuable work, a combination of high-level corruption, lack of professionalism, lack of cooperation with the general public, and serious resource limitations or misdirection of funds has allowed these threats to flourish.

Secondly, police forces are largely seen as the coercive branch of government rather than a neutral,

service-oriented force that ensures law and order for all. They are involved in widespread human rights abuses that have estranged them from the society they are supposed to serve. In Uzbekistan they have led the repression against those accused of religious extremism and political opposition to the regime. Abuses by the police, including torture, have fuelled support for extremist groups and enhanced the risk the region faces from terrorism. In Kyrgyzstan's recent unrest, shooting by police of five demonstrators set off much wider civil disorder and engendered a national political crisis.

Thirdly, security forces are acting as a brake on economic progress. Security is a key concern for domestic business and international investors but too often the police are not seen as defenders of business from criminals. Instead they are often involved in extortion rackets, costing business significant profits, or are directly involved in organised crime.

Bilateral agencies, such as the UK's Department for International Development (DfID), are looking at ways to promote security sector reform as a development issue. So far much focus has been on post-conflict situations but it also is important for conflict prevention.

Much international assistance to police forces in Central Asia continues to focus on bilateral training and technical assistance with little attention to structural reform or cultural change. Although all police forces in the region lack adequate funding, equipment and training, assistance in these areas on its own without wider reform is unlikely to make significant difference to their overall effectiveness. Most technical assistance actually goes for high-tech solutions determined by the donor's policies. Not only is this seldom effective, but it can also on occasion merely legitimise existing practices and promote more corruption. Ideally, all technical assistance should be linked to reform-oriented outcomes and serve as a stimulus to changes in behaviour.

There is little coordination among donors and different government institutions involved in assistance to law enforcement agencies. Yet there is a wealth of experience of police reform among Western states, where many problems faced by Central Asian police forces have been evident at one time or another. International organisations have done little in this field, but the Organisation for Security and Cooperation in Europe (OSCE) has begun to take police reform seriously. The UN also

has an important opportunity, through its Office for Drug Control and Crime Prevention (ODCCP) and the translation of UNDP's research on security sector reform into on-the-ground projects.

The obstacles to reforms should not be underestimated. Interior ministries are politically powerful in each of the Central Asian states. In many cases, they have little incentive to change if that means undermining their personal political and financial power bases. Many have experienced previous reforms that have done little except shift personnel or introduce unrealistic concepts from outside. Reforms have to take into account this internal opposition and develop appreciation within security forces of their long-term benefits. Unless they do so, there is little hope that wider concepts of good governance, democratisation and economic development will flourish in this unstable region.

Long-term reform and democratisation of police forces will take many years and involve much wider policy shifts in governance, economies, judiciaries, intelligence services and legal systems. This report attempts to initiate a discussion of how the most immediate problems posed by security forces within each country can be addressed and to engage the international community in a problem that threatens to undermine other efforts to promote regional stability.

RECOMMENDATIONS

To the government of Kyrgyzstan:

1. Reconvene the State Commission on Law Enforcement Agencies and encourage it to develop a far-reaching draft for reform of law enforcement agencies in coordination with reforms in the justice and penal systems.
2. Encourage widespread discussion within the police and media and with international organisations of a reform plan among whose key elements are:
 - (a) achieving a viable and sustainable financial base for policing activities, including training, technical equipment, and adequate salaries for officers;
 - (b) structural reforms aimed at changing the culture of policing and used as a method of reducing the levels of corruption in police ranks, including decentralisation of control where necessary to local government;

- (c) increasing oversight functions for society, NGOs, elected assemblies, other security and justice structures, and primarily the court system; and
- (d) much stricter definition of what each security service does, with a law on police powers and their limits and specific prohibitions on torture and abuse of power.

To the government of Tajikistan:

- 3. Reinvigorate the special commission on power structures to continue its work against officers in security forces involved in corrupt and criminal activity.
- 4. Begin an assessment of the true security needs of the country in its new peaceful phase of development, taking into account continuing security threats and budgetary realities.
- 5. Ensure that all police undergo proper training, including on the rights of lawyers and defendants, and international and national prohibitions against torture and other abuses.
- 6. Allow the media and NGOs increased access to law enforcement agencies so as to improve social monitoring of their activities, with particular focus on police brutality.
- 7. Invite the UN and other international organisations to discuss how assistance could be used within an overall reform plan for the law enforcement agencies.

To the government of Uzbekistan:

- 8. Encourage a debate on the role and effectiveness of the police through the media, international organisations, academic and research institutes, and within the police themselves.
- 9. Develop a police law that will clearly define police powers and their limits, including specific prohibitions on torture, and incorporating the provisions of the UN Code of Conduct for Law Enforcement Officials.
- 10. Initiate serious investigations into police corruption, using mixed commissions from all security services, government officials, and independent figures, beginning with police education establishments and their entry procedures.

- 11. Ensure better oversight of the law enforcement agencies and a reduction in human rights abuses by:

- (a) permitting legal registration of NGOs involved in monitoring law enforcement agencies and giving them access to places of detention;
- (b) developing a more independent judicial system, with greater rights for advocates, including clarified rights of access, and diminished powers for the procuracy;
- (c) ensuring that journalists are not harassed or prevented from writing critical articles regarding the actions of law enforcement agencies;
- (d) establishing an independent complaints body, including representatives of civil society, to investigate all accusations of ill-treatment by the police and other security organs; and
- (e) passing legislation based on international conventions and similar legislation in other states that is aimed specifically at ending torture by law enforcement and justice officials.

To the international community:

- 12. Place torture high on the agenda of relations with the Central Asian nations, stressing that its use by police enhances the risk of extremism and undermines support for governments, and back up political pressure with a coordinated program to put in place measures against the practice.
- 13. Fund research and seminars on police reform, human rights and security, focused both on short-term needs and long-term change.
- 14. Draw up common bilateral aid guidelines for each country, particularly respecting drug interdiction, to ensure that common messages regarding the necessity of reform are not undermined.
- 15. Include security sector reform in development plans, including in World Bank Poverty Reduction Strategies.
- 16. Link bilateral and multilateral economic aid to programs in judicial reform and reform of security structures.

Osh/Brussels, 10 December 2002

CENTRAL ASIA: THE POLITICS OF POLICE REFORM

I. INTRODUCTION

The states of Central Asia inherited a tradition of authoritarian rule from their Soviet past and from their pre-Revolutionary history. At independence, many hoped for a significant improvement in the relations between society and the law enforcement agencies. In practice, this has not happened.

Much of the structure of the justice system in all three countries discussed here still harks back to Soviet times. The Soviet justice system was based on very different concepts to those developed in democratic societies. The internal security organs – the Ministry of Internal Affairs, and the Committee for State Security (KGB) – were designed largely to protect the state from society, not only from criminals but more often from political dissidence and potential social unrest. There was only limited acknowledgement of the need to protect society as an end in itself. The police were a tool of the state, not servants of the public.

Law enforcement agencies and security services were under strict control by party organs and their internal oversight mechanisms were much tighter than they are now. This ensured that they followed a strict political policy in the interests of the state but it also went some way to counter corruption and unauthorised actions. The law enforcement agencies had little scope for independent action.

The collapse of party control and the replacement of the Soviet state organs by much weaker government agencies in the newly independent states of Central Asia gave the law enforcement agencies much more scope to assert their own agenda. At the same time, criminality rose exponentially, and law enforcement immediately found itself fighting the spread of serious organised crime. In some places, such groups were suppressed but in others they essentially co-

opted the agencies. The result was improved public order, but one undermined by uncomfortable closeness between the criminal world and the law enforcement agencies.

The Soviet justice system also did not offer a strong basis for development of an independent judiciary. Law was not viewed as separate from the interests of the state. Cases brought to trial were seldom decided in the interests of the victim, and legal defence tended to be a formality rather than a true investigation of evidence on the behalf of the accused. Little has changed in this regard. The judicial system is almost always subordinate to its political masters, who often used it against political opponents.

In all the Central Asian countries the procuracy occupies a particular place, a legacy of the Soviet-era institution that was so instrumental in the repression of the Stalinist period. It is a multifaceted organ, responsible for implementation and observation of laws throughout society. It has enormous powers, including prosecution of criminal cases, oversight of law enforcement agencies, and the right to issue arrest warrants, usually without significant civilian control: in most cases it reports directly to presidents, and is frequently a law unto itself. It does, however, often contain some of the best qualified people within the law enforcement sector, and in some cases it can act as a brake on the worst police excesses. But in most cases, it is too deeply entwined, both with its political masters and with the police and courts, to act as a true independent control agency.

Intelligence agencies – all descended in one way or another from the Soviet KGB structures – are extremely powerful in all three countries and are not confined to traditional intelligence gathering and counter-espionage. In many cases, intelligence agencies, the criminal police, and also the procuracy have overlapping powers, particularly with regard to

economic crimes. In all three countries there is a need to focus intelligence agencies on exactly what they should be doing: tackling real threats to state security.

The Soviet legacy is also noticeable in the other important aspect of the security sector – penal policy. Prison conditions throughout the region are appalling, probably far worse than under Soviet rule, and torture and inhumane treatment is widely reported. In Uzbekistan the prisons are still under the control of the Ministry of the Interior. In Tajikistan and Kyrgyzstan they have been transferred to ministries of justice, but that has not produced an immediate improvement. Prisons have become breeding grounds for further criminality and are also prime recruiting areas for Islamic extremists. When convicts are released, there is little attempt to reintegrate them into civilian life, and they frequently re-offend.

Much of this legacy still hangs heavily over the security forces, while society and the state have in many cases moved significantly away from the Soviet past. But in too many cases, the security forces combine not just the worst elements of Soviet policing structures, but also have seriously deteriorated in terms of personnel, technical provision, funding and overall efficiency. Lack of proper oversight has permitted widespread abuse of their powers, not only in repression of political opponents, but also in increased levels of corruption and criminality within forces.

Law enforcement agencies are directly responsible for much of the human rights abuse in the region, and in many ways the level of repression for certain groups has worsened over the last decade. This is true in all three countries under discussion but is most disturbing in Uzbekistan, where abuse has become an integral part of police control of society. In Tajikistan, brutality is more understandable, if not excusable, given the role of the police as, effectively, military units in the civil war; in Uzbekistan, it is hard to find excuses for the commonplace violence that seems to be much more a central part of government policy.

Human rights abuses are a good enough reason for widespread reform of police forces. But ineffective and corrupted police systems also give rise to much broader problems related to conflict prevention:

- ❑ Central Asian law enforcement agencies tend to be inadequate or unwilling to deal with significant threats to security, particularly terrorism, drugs trafficking and organised crime.
- ❑ The use of law enforcement agencies as essentially political agencies, designed to protect the government and not society, has created a huge distance between state and society in all three countries. Since the police are the most visible representatives of the state in most communities, their actions have a disproportionate impact on this relationship.
- ❑ Lack of professionalism and training can give rise to direct conflicts exacerbated by police behaviour. Poor policing is partly to blame for the social unrest in Kyrgyzstan in 2002.
- ❑ The growing influence of the police in society and politics ensures an unhealthy impact on wider policy, from economic reform to political developments. In effect the police are beginning to become a second power-base, which may contain the seeds of a future authoritarianism.

The problems of policing are widely recognised in Central Asia. Popular opinion is everywhere simultaneously fearful and scornful of the keepers of law and order. Government officials frequently comment on the need to do something about police outrages against citizens. And the police themselves are often unhappy with the present system, which forces even good officers to stoop to corruption to survive and is loaded against competent professionals in favour of those with highly placed relatives and contacts.

That something must be done is widely recognised, but the obstacles to change have ensured that there is seldom the necessary political will to act on good intentions. Kyrgyzstan is the best example of how frequent discussion of reform seldom translates into real change, but in Uzbekistan and Tajikistan, too, the rhetoric of government officials is seldom close to the reality of police behaviour on the ground.

The time has come for a fundamental rethink of what security agencies are necessary to meet the security challenges of these relatively new states. To varying degrees, in each state there are groups within the political elites who understand the need for change. And there are very different degrees to which fundamental change is possible. But it is vital that the

issue become a central part of the development debate on Central Asia. The topic is controversial, and many in the international community would prefer to avoid it. There seems little likelihood of achieving good governance and other prerequisites for economic and political development, however, without tackling this difficult issue.

II. SECURITY SECTOR REFORM: PRINCIPLES FROM INTERNATIONAL PRACTICE

A. THE NEW DEVELOPMENT AGENDA

Once an area solely confined to defence ministries and retired police officers, international assistance to security forces has now become part of the development agenda of many bilateral and multilateral donors. A growing realisation that lack of security is a major contributory factor to poverty and poor governance has led bilateral donors, such as the UK's Department of International Development (DfID), to integrate security sector reform into their development programs.

DfID's work has focused mainly on Africa, and in particular on countries recovering from internal conflict, such as Sierra Leone.¹ Other agencies have also focused on post-conflict police building, including Germany's Gesellschaft für Technische Zusammenarbeit (GTZ).² Police reform as a conflict prevention program has provoked much less research, although interest is growing.

The new interest among development agencies in security sector reform reflects a broader trend, focusing on governance issues and the state, rather than non-governmental organisations, as the main channels for development and assistance. Much of the emphasis has been on the need to provide minimal security to allow economic development to occur, such as in Sierra Leone. There is less emphasis on the need to free society from oppressive policing to allow development, although that element is also beginning to emerge in the literature.

International financial institutions, such as the IMF and World Bank, have begun to examine security sector reform as a governance and public spending issue, but work on the ground has been limited. In most cases, the IMF has focused solely on the issue of military and law enforcement spending as a budgetary issue, rather than on the usefulness of expenditure in a wider development context. The

¹ DfID's approach is outlined in *Understanding and Supporting Security Sector Reform*, DfID, London, n.d.

² *Security-Sector Reform in Developing Countries*, GTZ, 2000. For an overview of other actors, see Dylan Hendrickson, *A Review of Security Sector Reform*, Centre for Defence Studies, King's College, London, 1999.

World Bank has begun to examine ways to include security issues in wider development plans, such as Poverty Reduction Strategy Papers, but so far this remains outside its mainstream thinking.³

In theory, the UN is in a good position to use its experience in building up civil police forces to assist in reform. The United Nations Development Program (UNDP) has paid attention to security sector reform, but its programs have been focused mainly on reintegrating former combatants in post-conflict situations.⁴ Although it has developed conceptual approaches, these seldom find their way into specific projects on the ground.

B. THE POST-AUTHORITARIAN EXPERIENCE

Much development literature offers a useful background to police reform in Central Asia, but perhaps most relevant are changes in countries moving from authoritarian to more democratic forms of policing in parts of Africa, Latin America and the former Soviet Union.

In the former Soviet republics, the progress has been mixed, with the Baltic States moving further than most. All have attempted some elements of reform, and their collective experience – both negative and positive – is worth assessing, since they have started from a common tradition and, to a certain extent, common problems.

Russia still faces significant difficulties in achieving far-reaching reform of its law enforcement agencies but some of its experiences are worth studying. In some cases, external assistance has provided useful support for internal reform advocates. The Vera Institute of Justice, a U.S.-based NGO, has set up a Centre for Justice Assistance in Moscow and a related centre in Nizhny Novgorod. Many of the programs are closely related to problems faced by Central Asian police forces, in particular the ubiquitous crime clear-up statistical system that is

partly responsible for widespread police brutality and illegality in arrests.⁵

The Russian experience is also useful in terms of oversight, where in some places NGOs have begun to have some impact on criminality in the police. One such NGO is Citizens Watch in St Petersburg, which runs a collaborative project on community-police relationships in the city, including the use of opinion surveys to throw light on issues of local concern.⁶

More significant attempts at police reform have been attempted in a number of Caribbean, Central and South American states, including Peru, Haiti and Honduras. In several cases there has been significant outside assistance, although internal willingness to countenance reform has proved to be the key factor in success or failure.⁷

The democratisation of policing in South Africa offers both lessons and warnings to states in transition to democratic rule. Although significant gains were made in the move from authoritarian policing in the apartheid era, the huge rise of crime in South Africa in the late 1990s has undermined public support for reform and led to a focus on the need for stronger and more effective policing, possibly at the expense of democratic principles. Nevertheless, the Independent Complaints Directorate (ICD), which concentrates specifically on abuses committed by the police, has been largely viewed as a success, and offers a possible model for several Central Asian states.⁸

The most significant external input into police reform has been in the Balkans. International organisations have been instrumental in reforming or creating police forces in Bosnia, Kosovo and Macedonia. Although this has been achieved with varying

³ See Nicole Ball, *Transforming security sectors: the IMF and World Bank approaches*, Centre for Defence Studies, Kings College, London, 2001.

⁴ The *UNDP Human Development Report, 1994*, pays considerable attention to security sector reform. See also *Sharing New Ground in Post-Conflict Situations: The Role of the UNDP in Support of Reintegration Programmes*, UNDP, 2000.

⁵ ICG interview, Melanie Payser, Director, Centre for Justice Assistance, Moscow, 15 November 2002. An outline of the Vera Institute's projects and literature are available online at www.vera.org. Many of their projects are financed by the Ford Foundation, which has an active policing and community grant program.

⁶ Francis Green, "In Russia, How Citizen Surveys Shape Policing", *Democratic Policing Exchange*, Vera Institute of Justice, October 2002, at www.vera.org.

⁷ On Latin America, see the work of the Washington Office on Latin America, at www.wola.org.

⁸ The ICD has a website at www.icd.gov.za

degrees of success,⁹ considerable experience has been developed by organisations such as the OSCE.

In most cases, police reform has taken place in a context of regime change or other democratisation processes. None of the Central Asian states examined here are close to democratic transformation, although all follow the rhetoric of post-authoritarian transition. In each case long-term changes in police behaviour will require significant shifts in the overall state apparatus and the political system. Some argue that attempting any reform without a wider transformation process is likely simply to strengthen illegitimate political structures.¹⁰ Nevertheless, some experience gained in other countries can be usefully applied in Central Asia. At present almost none is being brought to bear. When it comes to policing, international organisations are seldom involved in anything more than a superficial way. Yet the problems are so great, and have such an impact on other areas of life, that it seems difficult to continue to ignore these very real needs.

C. BILATERAL INTERNATIONAL ASSISTANCE

Despite the efforts that are being made to bring police reform on to the development agenda, most assistance to police forces around the world from Western countries continues to flow through traditional actors, such as interior or foreign ministries. Often agencies within a single donor government have very different agendas, and coordination is distinctly lacking.

U.S. involvement in security sector reform has been conducted through several agencies including the Department of Defence, the Drug Enforcement Agency (DEA), the Department of Justice, and the Department of State through its Bureau for International Narcotics and Law Enforcement (INL). Frequently their programs compete for space with each other with little coordination. They tend to take a narrow view of foreign police assistance, with little concept of wider political, cultural or historical aspects that have a major impact on the effectiveness of their programs.

Other Western countries have equally disparate programs, mainly focused on the national interests of the donor states involved. In almost all cases this means drugs interdiction and anti-proliferation efforts, and various aspects of anti-terrorist activities. Some of these have value but without real reform of police forces, providing high-level training or high-tech equipment mostly does not address the core problems – which tend to be related to corruption, political leadership and police management.

D. LESSONS FROM THE PAST

There is enough experience to draw some lessons from police reform in the past. The following principles are particularly appropriate to Central Asia.¹¹

- ❑ *Reform cannot happen against the resistance of the host government.* There are of course certain types of leverage that can be brought to bear on governments, but essentially without political support it is impossible for external actors to implement far-reaching reforms. The most that can be hoped for is raising public awareness, pressuring governments to implement safeguards against torture and other gross abuses, building up human rights groups, and gradually increased engagement without legitimising existing bad practice. External pressure can force political elites to act against police forces, but at least some measure of internal support is necessary.
- ❑ *Unless a police force is seriously committed to reform, it will not occur.* Again there may be ways of pressing reform on unwilling police forces, but a long process of overcoming resistance and building up support within a force will probably be necessary. This may involve replacing compromised figures at the top and dismissing the worst officials in key positions. Local ownership of programs is widely regarded as critical but building up this 'ownership' is difficult. Most police forces develop a distinct culture of their own that makes them particularly resistant to outside influence. But it is important not to view

⁹ See ICG Balkans Report N°130, *Policing the Police in Bosnia. A Further Reform Agenda*, 10 May 2002.

¹⁰ Norwegian Institute of International Affairs (NUPI), *Security Sector Reform as a Development Issue*. OECD, Development Assistance Committee, Paris, 1999.

¹¹ This largely follows David H. Bayley's useful checklist, based on his survey of police reform initiatives by the U.S. government. *Democratizing the Police Abroad: What to Do and How to Do It*, U.S. Department of Justice, 2001.

Central Asia's police forces as monolithic. Every police force has good officers in fairly senior positions, and in several areas there remains a high level of professionalism. These are often people who are open to change, not least to retain the level of professionalism they have built up over many years.

- ❑ *Reforms must be adapted to local conditions and not transfer inappropriate institutional frameworks from Western countries.* This requires a good understanding of the local environment, the political system and the local culture. By definition, this means involving area experts in police reform teams and also keeping trainers and assistants in-country for as long as possible. A significant danger is that foreign assistance can undermine the search for local initiatives to enhance police reform, leading to financially unsustainable or inappropriate policies.¹²
- ❑ *Fear of or a real growth in crime and instability will reduce the support for reform, both within the police and among the public at large.* Reformers have to ensure that reforms bring quick results in terms of improved justice and anti-crime measures. In a region where democracy is often associated with unrest and violence, it is important that reforms are focused on making the police more effective against crime and security threats, not less.
- ❑ *Creating effective disciplinary systems within the police to deal with human rights abuses, particularly torture, is a first-order priority.* Not only does this help to prevent widespread brutality, it also begins a process of regaining public trust in the police. Police repression may bring short-term gains in stability for a government but it has negative long-term effects and threatens all society-state relations on a wider scale.
- ❑ *The concern of international organisations and foreign governments for their own law and order agendas diminishes their own enthusiasm for reform.* This is particularly noticeable in police assistance on drugs issues, and on anti-terrorist training, where real security issues for the bilateral donor are at

stake. Issues of reform tend to take second place to the narrow security agenda, although in the long term, only reform will bring about improved capacity. Too often training has been offered simply because it was available rather than because it was relevant to the needs of transitional societies.¹³

- ❑ *For reform to be effective, it must be accompanied by reform throughout the criminal justice system.* Experience suggests that security sector reform is unlikely to succeed if it is addressed piecemeal.¹⁴ Where significant, long-term reform is the aim, focusing only on the police or the judiciary is unlikely to produce a major shift in the emphasis on rule of law. The Norwegian Institute of International Affairs' research looks at the security sector as a triad, consisting of the national police, the judiciary and the penal system.¹⁵ A wide range of literature and the experiences of other countries suggest that the most effective programs will tackle reform as a joint effort covering the whole of the security sector.
- ❑ *Technical assistance should not be the main element in foreign assistance if democratic reform of policing is the objective.* In certain cases, increased spending may be critical to implement measures against corruption and may also be the carrot that enables buy-in among existing personnel. But on its own it will not be enough to convince serving officers of the necessity for change. Indeed, merely providing technical assistance can act as a legitimating act for corrupt forces and further embed existing corruption.

All these lessons can be applied with good effect to efforts to reform Central Asia's police forces. At present much of the focus is on uncoordinated technical aid, an approach that is unlikely to produce either significant efficiency gains or to prompt any moves towards reform.

Although all law enforcement agencies in the region face many common problems, the three states examined here have followed very different paths of development over the last decade and now face

¹² Mark Shaw, "Crime and Policing in Transitional Societies: Conference Summary and Overview", available at <http://www.kas.org.za/Publications/SeminarReports>.

¹³ Ibid.

¹⁴ Bayley, *Democratizing the Police*, op. cit.

¹⁵ Norwegian Institute of International Affairs, *Security Sector Reform*, op. cit.

specific national problems. Not only are some of the problems country-specific, but their solutions will also be found only in the particular domestic policy context. Political will towards reform varies widely, and the results that can be expected will be equally disparate.

The difficulties in reforming the police cannot be underestimated. In the long term, they depend on reforms in the whole justice sector, in wider state structures, and in society itself. The track record of police reform in post-authoritarian societies is not promising. A conference in South Africa in 2000 concluded that “there was, as yet, no post-authoritarian state which has clearly been able to achieve clearly enhanced levels of safety for its citizens”.¹⁶ But there are now opportunities for engagement in each of these states, which could begin a long-term process of much-needed change in their security forces.

III. KYRGYZSTAN

An ICG report on Kyrgyzstan published in August 2002 pointed to the necessity for police reform.¹⁷ The shooting by police of five demonstrators in March 2002 set off a nation-wide political crisis that continues to unsettle the country. The problems are much wider than this one incident, but the tragic events in southern Kyrgyzstan have sparked a debate about the role of the police in society and prompted calls for extensive reform.

A. STRUCTURES

1. Security Organs

Despite a series of largely cosmetic reforms, Kyrgyzstan’s security sector continues for the most part the same structures that existed under the Soviet regime. The bulk of internal security responsibilities lie with the Ministry of Internal Affairs (MIA), which includes a myriad of departments related to policing, and also armed units and special forces. The MIA numbers around 19,000 personnel,¹⁸ making it the largest armed organisation in the country, much bigger than the 11,000-strong army, which is responsible solely for external defence.

The MIA also includes a number of departments not specifically linked to policing, including passport and registration procedures and the fire service. The penitentiary system, however, has been transferred to the jurisdiction of the Ministry of Justice.

The National Security Service (NSS) is responsible for counter-espionage and anti-terrorist activities, although it overlaps with the MIA in also tackling economic crime and narcotics trafficking. The NSS numbers 1,000-1,200 staff members and has departments throughout the country.

The Ministry of Justice oversees the court system, but much of the oversight in fact comes directly from the presidential administration, which is responsible for appointing judges.¹⁹ The procuracy

¹⁶ Shaw, “Crime and Policing”, op. cit.

¹⁷ ICG Asia Report No 37, *Kyrgyzstan’s Political Crisis: An Exit Strategy*, 20 August 2002.

¹⁸ Personnel figures are based on information gained in ICG interviews.

¹⁹ This may change under proposed constitutional amendments, which would give parliament a role in appointing judges.

has wide powers of arrest and investigation in almost all matters and also plays an oversight role towards other organs in the security sector.

2. Oversight

There is a formal reporting function to parliament, but in practice it seems to have little impact on security organs, who report primarily to the presidential administration. In theory, regional departments of the MIA have dual subordination, to the central ministry, and to the local authorities. In practice, this depends on informal agreements with local leaders. Where they are strong, they tend to have more influence on the police; in other cases, they claim that they can do little to influence how security forces act or are deployed.

The procuracy is the main government organ charged with oversight of the police, and it does sometimes fulfil this role.²⁰ It is less effective than it should be for a number of reasons, the most important of which are that it is too closely involved with political authorities and often seems to act as the judicial arm of the presidency. But it also faces some technical issues. Orders by the procuracy to discipline officers can be interpreted by the police largely as they see fit, and there is little the procuracy can do to ensure that corrupt or brutal ones are dismissed from the force.²¹ Prosecutors complain of understaffing, with just 600 personnel around the country.

Civil society plays a more active role in oversight of the police than in any other Central Asian country. There is a network of human rights groups, which monitor police actions against dissidents, and a greater international presence than elsewhere. But there is little positive engagement with the police; although human rights groups play an important role in uncovering police abuse, they seldom have an agenda for police reform, except external pressure to stop brutality.

The media is also more active than in other Central Asian countries and has often written critically of the

interior ministry, and the police. The weakness of the Kyrgyz media – general lack of balance – is also shown in coverage of policing. While the opposition press tends to concentrate on police abuses, the government press merely provides positive spin to the law enforcement agencies. There is little investigation of how policy might be seriously changed to improve the situation.

B. PROBLEMS

Severe underfunding and lack of oversight have fuelled corruption, and the growing lack of trust has distanced police from society. The police and the judiciary have been frequently used as tools of the political elite against opponents, not least in the recent events in the South, where police actions were directly responsible for causing widespread unrest. According to a UNDP-funded survey in 2000, 78 per cent of respondents said that “lack of protection, and the cruelty and impunity of the law enforcement bodies” were among the most important problems of the country.²²

1. Corruption

Corruption in the police is rampant and systemic. According to a 2001 UNDP opinion poll, 90 per cent of the population believe that the police are the most corrupt state institution, closely followed by the traffic police, the customs authorities, and the court and procuracy system. Among those surveyed, all groups agreed with this analysis except law enforcement workers themselves. But even they put themselves in fifth place, somewhat behind the parliament and the presidential administration.²³

Many MIA posts are bought and sold, with sources suggesting that a regional police chief’s job can cost up to U.S.\$50,000. Even getting a good spot for a lowly traffic police can cost anything from U.S.\$100-\$500. But such payments can be quickly reimbursed. A traffic policeman in a really

²⁰ Around 552 criminal cases were initiated against police officers by the procuracy in the first half of 2002, but only 34 officers were brought to trial. Statistics from Procurator-General’s office, Bishkek, and ICG interview with Galina Pugacheva, Deputy General Procurator, Bishkek, 22 August 2002.

²¹ ICG interview with deputy regional procurator, September 2002.

²² UNDP, Survey, “View of a Voter”, UNDP, Central Electoral Commission, 2000.

²³ This clearly reflects to some degree the amount of contact people have with different state structures. The police are one of the most likely institutions for an ordinary person to come into contact with; few will have significant dealings with government-level institutions or the presidential administration. Centre of Public Opinion Surveys and Forecasts, *Corruption in Kyrgyzstan*, Bishkek, 2000. Available at www.undp.kz.

advantageous location – a busy crossroads, for example – can make up to U.S.\$600 per month by extorting money from drivers. Normally, he keeps half his income and passes half up to superiors.

Promotion is seldom on merit. One officer told ICG that he wanted to become a captain but did not have the necessary U.S.\$10,000. Instead he paid U.S.\$3,000 for the rank of lieutenant.²⁴ But it is not just about money. It is often more a combination of kinship links and a network of contacts, with money on top, that determines who gets promoted. Buying and selling posts is widespread but does not involve all institutions in the same way. The worst affected are probably the traffic police, while most sources suggested that it is unusual to pay for posts in the NSS.

Clearly all who have paid for appointments need to get this money back. For the traffic policeman, this involves taking small sums from drivers. For the higher echelons, the corruption is much more serious, with allegations of links to organised crime and use of positions in law enforcement agencies to ensure advantages for businesses, either personal or run by family members.

All businesses pay the security forces, the procuracy and the tax police, in one way or another. If they refuse, they start receiving visits by a panoply of inspectorates. A businessman in Osh explained how much the system cost him. “The militia [police] come to us with a list of goods - on average about U.S.\$150. Or they say 'organise a night out for us' - for five or six people.....So every month we get together a box of goods for them”. This businessman claimed to organise similar presents for the procurator's office and the tax inspectors. He estimated that such presents and dinners cost the average business about U.S.\$50-\$100 per U.S.\$1,000 of turnover.²⁵

But it is not only regular payments and gifts that constitute a threat to business. The use of corrupt police and courts to damage competitors is fairly widespread, and there is little an honest businesspeople can do about it except appeal to their own connections and get involved in the corrupt game themselves.

Much lower level corruption is fed by the severe underfunding of the police service. According to officials in the financial department of the MIA, only 23.4 per cent of the real costs of policing are funded by the government budget. The average police salary is 1,000 soms (U.S.\$20) monthly, and even then payment is sometimes delayed for up to two months. Police chiefs want salaries raised to around 2,500-3,500 soms (U.S.\$50-70), but the money is just not available.²⁶

Given the powers that such officers have to make or break a business, it is not surprising that they cannot resist the chance to make more money. But not all police benefit hugely from this corrupt system. The majority make only small additions to their salaries, with much going to senior officers at the top of the system. Many make ends meet by running family farms – some police units even have their own smallholdings.

ICG interviewed the wife of a policeman who was offered the post of commander but had to decline, since he could not pay the necessary U.S.\$2,000. His friend took the same post, returned the money that he had borrowed in eighteen months, and bought himself a car. Her husband's regular salary is 1,200 soms (U.S.\$24) but his wife claims that he never receives it and that it goes instead toward “building houses and swimming pools for the bosses”. Instead he extorts money on a range of pretexts, and brings home around U.S.\$100 per month. Obviously, a similar amount goes to his superiors.²⁷

Some of this corruption goes straight into the personal lifestyles of high-up policemen. But there is also a type of everyday corruption that is mainly aimed at filling the funding gap for the police itself. There is simply not enough money in the budget to cover basic resources such as petrol for cars. One senior officer told ICG that he began every day by ordering traffic police to extort petrol from drivers to put in his car.²⁸

The technical equipment available to the police is also minimal. Very few patrol cars are available, even in the capital Bishkek. In Osh the situation is

²⁴ ICG interview, October 2002.

²⁵ ICG interview, Osh, August 2002.

²⁶ ICG interview, financial department MIA, Bishkek, August 2002.

²⁷ ICG interview, Osh, August 2002.

²⁸ ICG interview. According to officials, only 23 per cent of the budget for petrol is covered by government funding. ICG interview, financial department MIA, Bishkek, August 2002.

even worse. One officer explained the problems of the patrol service:

We have only eight radios – there should be 60. We have only fifteen patrols a day – there should be 60. We have one bus and one minibus, but for patrols we need a minimum of six cars. But we don't have a single patrol car.²⁹

The result is that many police do their work on foot, or in their own cars.

This corrupt and inefficient system is in some ways amenable to political elites. First, it is very cheap, costing only about U.S.\$10 million a year for the entire country.³⁰ Secondly, it ensures that the police are highly dependent on the political leadership. Thirdly, it makes it difficult for the police to investigate serious issues of corruption, organised crime or other matters that some political leaders would prefer remain untouched.

But its impact on society is disastrous, acting as a major obstacle to economic progress, effectively creating a second tax service in the form of a 'racket in uniform'. It also severely damages public confidence in the police: they are not trusted and largely viewed as the enemy by ordinary people. "Everybody's dissatisfaction is focused on the police now", admitted one senior officer. "We drive traders off the streets, we do all the dirty work, and people hate us".³¹

2. Police and Society

Nowhere are the police more hated than in the villages of Aksy district in the southern Jalalabad region. It is here that police were involved in the shooting of five demonstrators in March 2002 during protests over the arrest and imprisonment of a parliamentary deputy, Azimbek Beknazarov. In the following months, thousands of protestors took to the streets to demonstrate against the police shootings, and for the release of Beknazarov. The situation

quietened after Beknazarov was cleared of charges, but the search for justice for those killed continued.³²

While the protestors sought justice against the police, officers and their relatives and supporters were outraged at what they considered unjust treatment. They claimed that they had used force within the law and were carrying out orders from above. When policemen were brought to trial for the shootings in September 2002, it provoked a further round of protests, this time by relatives demanding acquittal. The court proceedings were repeatedly disrupted by protestors, and the trial was postponed indefinitely.

The political crisis of 2002 was symbolic of a wider breakdown in relations between police and society. Frequent brutality, extortion of business, actions against political opponents and human rights activists, have all taken their toll on public trust in the police. But it was also symptomatic of a growing crisis within the police, who responded for the first time by taking their own political actions. After their colleagues were accused of the shootings of demonstrators, in June 2002, police went on strike in city of Jalalabad, demanding justice for their colleagues. But the strike was not only about the Aksy events: it reflected growing dissatisfaction within the police about their terms of service including the role they are repeatedly asked to play by political authorities that sets them against the population for political ends.

This breakdown in relations between police and society reflects a wider disconnect between state and society in Kyrgyzstan. But the problems of the police are particularly dangerous, since they are the only serious armed force in the country. It has also opened up debate on the role of the police, not only in the wider media, but also within the police themselves. This has given an opportunity to consider the potential for reform and for quite radical changes that could answer both police demands for a new role and better material support, and the public's demands for a politically neutral police that would concentrate on fighting crime, not protestors.

Some technical aspects of policing also require attention. Lack of experience in peaceful methods of crowd control and a tendency to resort to firearms because of a lack of alternative methods of restraint are matters that could be addressed by technical

²⁹ ICG interview, Osh, October 2002.

³⁰ Figures for 2001, including non-policing functions of the MIA. ICG interview with Abdrakhman Mamataliev. Head of the Department on Security, Defence and Law and Order, Jogorku Kenesh (parliament), Bishkek, October 2002.

³¹ ICG interview.

³² For details see ICG Report *Kyrgyzstan's Political Crisis*, op. cit.

assistance. But this will only have an overall positive impact if conducted within a wider program that attempts to shift the police's perception of what their role in society should be.

In the south of Kyrgyzstan this antagonism between society and the police is particularly felt by the ethnic Uzbek community. An overwhelming majority of police in Osh and Jalalabad districts come from the majority Kyrgyz community.³³ Because there are very few ethnic Uzbek recruits, Uzbeks see the police as representing only one ethnic group and consider their treatment is based on ethnic discrimination. There is a real fear that any inter-ethnic violence between Uzbeks and Kyrgyz would quickly grow out of control because of overwhelming Kyrgyz dominance of the police.

Structural problems and political interference also feed this heavy-handed police culture and directly contribute to human rights abuses. The system of measuring success solely according to statistics on crime detection ensures that there is intense pressure on police to solve crimes by any method. Combined with a system in which disciplinary action against the police is rare, the result is frequent human rights abuse in the course of investigations. Abuse of detainees, particularly while in police pre-trial detention, is widespread and aimed at forcing the accused to sign a confession, to avoid any laborious and time-consuming search for evidence.

Since judges are not independent of this system, accusations backed by confession are almost always admitted in court. In more difficult cases, the use of planted drugs to entrap the accused is fairly common. One police officer admitted to planting drugs on an alleged member of Hizb-ut-Tahrir, the banned Islamic organisation, after he refused to admit membership. "We all just got fed up with him", admitted the police officer, "so we set him up".³⁴

This is fairly common practice, particularly towards figures who have somehow crossed those in authority. This frequent brutality by the police engenders distrust among the whole population, but is particularly dangerous with regard to radical

Islamist groups, such as Hizb-ut-Tahrir. Given that the only engagement with these groups is through the law enforcement agencies, their tendency to use brutal methods merely radicalises members and gains them wider sympathy in society.

C. PROSPECTS FOR REFORM

1. Internal reforms

The clear problem posed by the role of the law enforcement agencies and the judiciary in society and politics has prompted calls by both opposition and government for significant reform of the system. In April 2002 President Askar Akaev established a State Commission to examine ways of reforming the agencies. Despite this apparent political will, very little has actually been done. The Commission was supposed to report back to the President within one month, but by October 2002 it had met just twice and produced no results. One member resigned, disappointed with the lack of progress.

Some progress has been made on judicial reform. A Constitutional Council established in August 2002 came up with several suggestions on ways to decrease political involvement in the judiciary. Among the new proposals was to transfer the power to issue arrest warrants from the procurator's office to judges. Although this reflects common international practice, it has met with local objections. One procurator commented: "I'd love to give up the right to approve arrests: it's less work for me. But courts are just not ready for this power, and it creates a conflict of interest".³⁵ Nevertheless, this shift is clearly necessary and looks like it will happen, but courts will need support.

These are merely piecemeal reforms, however, with little overarching strategy, and do not attempt to tackle the most difficult areas. In particular, reform of the police remains limited, and there is little satisfaction either inside the force or outside with the reforms announced so far. As the head of the Police Academy said: "At the moment there are only cosmetic reforms in the MIA, when what is needed are new conceptual approaches".³⁶ The very word reform induces widespread fear and scepticism and

³³ No official figures have been released on ethnic composition of the police. Estimates provided in ICG interviews with police officers suggest around 5 to 10 per cent of the police in Osh are ethnic Uzbeks, with an even lower figure for Jalalabad.

³⁴ ICG interview with senior police official.

³⁵ ICG Interview with deputy regional procurator, October 2002.

³⁶ ICG Interview with Lt-Gen. Ishimov Beksultan, Head of Academy MIA, Bishkek, 22 August 2002.

with good reason. “We spent the last ten years being reformed”, said one senior officer, “and it’s got us nowhere”.³⁷ Another added:

Soon the very word reform will fill us with repugnance...Reform is just a change of signs, and in essence nothing is reformed. The MIA should not be reformed every year.³⁸

The first point made by most police officers is that the financing of the police must be sorted out. Former Deputy Minister of the Interior Kulmurat Sadiev makes the point strongly: “There’s no point talking about anything, about any reforms, unless there’s a budget”. Almost all police officers interviewed by ICG stressed low wages and lack of material incentives as the key to positive changes.

But throwing money at the problem will not solve anything without changes to the system. The budget is not transparent, and financing is often ad hoc and from semi-legal sources. The first step should be an examination of what is really spent where, in which areas money could be saved, and where increases in financing are required.

This process may provide some ways of allocating resources more efficiently but it is unlikely to produce the level of funding that the police require from the central budget. Alternative sources of funding, including local funding, are necessary to support a normal level of salary payment and technical base for the police.

One idea that has caught attention has been the establishment of a centralised criminal police, matched by local municipal forces for ordinary police work, under the mayoralities and assemblies of towns and cities. This would help the financing of police forces by using local budgets, while also allowing more significant control from elected local bodies and a chance to break up the overwhelming bureaucracy that presently governs policing.

Creating new forces out of the existing security organs is probably essential to instigate any cultural change in the police. But such structural change in turn is only worthwhile if accompanied by a weeding out of existing corrupt officers, implementation of

new levels of oversight, improvement of financial prospects and encouragement of the new culture.

Cleaning out the police must be done by a commission that has authority and is sufficiently diverse to prevent serious corruption. It could include retired officers, human rights activists, elected deputies to local councils, and those seen as neutral figures such as academics. The number of police officers chosen should be based on the needs of the community, and ideally should include a new intake of recruits with no previous police experience to limit the chances of old cultural ways being transmitted to the new institution. Ideally, this new intake would allow the recruitment of minorities.

Creating municipal forces answerable to local communities and partly financed by them is only one part of a potential transformation of the police service. It is not possible everywhere, but certainly in major cities such as Bishkek, Osh and Jalalabad, it is financially and politically feasible.

Pushing through reform against political opposition, vested interests and the suspicions of the police will not be easy. One way to begin is to try pilot projects in coordination with public surveys. Such an approach might establish a municipal police force in a small town, with training for the police, and for oversight bodies. Citizens surveys could be used to measure the extent to which services improve. Media involvement would publicise both the process and the results. A good well-publicised pilot project of this nature could spark interest in other parts of the country.³⁹

There is enough expertise within the country to devise its own reform program but it probably needs international involvement to succeed. In the first place, any reform program will require additional financing, at least temporarily, both because of the extra costs and because of the resource gap that the police experience. Secondly, international experience has a great deal to offer Kyrgyzstan in terms of reform processes and wider concepts of effective policing.

³⁷ ICG interview, August 2002, Bishkek.

³⁸ ICG Interview with Kalmurat Sadiev, former Deputy Minister of Internal Affairs, Bishkek, 21 August 2002.

³⁹ On the use of citizen surveys, particularly in Russia, see Robert C. David, “The Use of Citizen Surveys as a tool for Police Reform”, Vera Institute of Justice, July 2000, Available at www.kas.za.

2. International Involvement

International programs on security sector reform in Kyrgyzstan are notable for their lack of linkage. There are ad hoc training programs for the police, especially by the U.S. and other bilateral donors; occasional grants of equipment, particularly aimed at drugs interdiction; and some work on training police officers in specific issues, such as the OSCE's program on Small Arms and Light Weapons.⁴⁰ The Open Society Institute (OSI) has funded training programs at the Bishkek Police Academy. But so far none of this is tied together into any overall reform agenda.

Technical assistance tends to go on expensive high-tech solutions, when basic equipment is missing. As one senior officer said, "Our ministers travel abroad and get torches, body armour and shields. We don't need that. We need radios and cars.... And not foreign cars, Russian ones".⁴¹

In the judicial field there is more international involvement, with some NGOs, such as the American Bar Association (ABA), training judges and lawyers. ABA also provides legal clinics and encourages local NGOs to give legal advice. The OSCE has considerable expertise in this field, but it has been brought to bear only in piecemeal fashion. There is usually only limited consultation among actors in this field, however, and only occasional reference to security forces as part of the problem. The World Bank could facilitate coordination by including security sector reform within its Common Development Framework. There is little point pushing ahead with judicial reform unless there is commensurate change within the security forces.

There is a need to get all actors around one table and draw together these many discrete initiatives into a wider reform plan. The government commission on law enforcement reform should engage with the international community to seek ways in which bilateral and multinational aid and technical assistance might push reforms forward. In this way different programs can be made to be complementary rather than competitive.

Three broad areas might be outlined.

First, assistance to civil society, the media, parliament and other bodies able to monitor reform and provide independent oversight. This type of aid might take many forms. Groups such as the National Democratic Institute (NDI), which does useful work in parliamentary affairs, could support parliamentary committee work on law enforcement agencies. Aid to media might encourage a focus on law enforcement issues beyond the stereotypical judgements of journalists to more analytical coverage and deeper investigative work. Television coverage of police issues from both sides of the divide would not only provoke debate, but also give many people a glimpse inside the workings of the police.

Work with civil society should where possible involve the police themselves. Law enforcement officers should be included in conflict resolution training, or in issues related to community development. Few NGOs engage the local police in their activities, and the police as a result often do not understand the role of such organisations in potential conflict situations.⁴²

Secondly, assistance to the police in genuine restructuring. Here much of the initiative and the real shape of a new police force will have to come from the police, the government itself and its related agencies. But there are areas where international agencies can help. Plans for budgeting and financing at the local level could bring in the Urban Institute,⁴³ which has a respected program on local government finance; police advisers from the OSCE could offer practical advice on community policing, changing police cultures and attitudes, or on establishing model precincts.

The Kyrgyz police are used to international organisations offering training, and there is a lot of cynicism towards such offers. One former senior policeman said "International organizations love to do training in drugs trafficking. ...We don't need training in how to tackle drugs trafficking. We need

⁴⁰ The OSCE is also seeking funding for a program on professional training for police officers, as an initial step towards potentially broader engagement, that could provide a focus for some coordination of aid. See www.osce.org/ projects for details.

⁴¹ ICG interview, Osh, September 2002.

⁴² The NGO Foundation for Tolerance International has sometimes included local police in its conflict resolution programs to good effect. One other NGO, Pravo i liudi (Law and People), has established a trial project in the troubled Aksy district to build up trust between the population and law enforcement agencies.

⁴³ See the Urban Institute web site at www.urban.org.

training in how to solve social conflicts”.⁴⁴ Several interviewees made the point that training should focus on high-level officers, the decision-makers in any crisis, and not on ordinary police who largely just follow orders. Training is necessary, particularly in human rights concerns, dealing with conflicts, community policing, and investigation techniques, but it must be focused on the needs of the police and society, and not on the interests of the donor.

Thirdly, technical assistance to cement reform in place. Without this, there is unlikely to be sufficient buy-in within the police to succeed. But this must be directed to the real needs of the police and not those of donors. There should be no gifts of expensive four-wheel drive machines to suit donors’ needs to provide equipment from their own countries when Russian vehicles, for example, are more effective and sustainable. Equipment should be provided that can be maintained cheaply under local conditions. Material assistance should only be provided within a wider reform agenda that has genuine support both from the government and from the police themselves.

Opposition to reform will be widespread, less at the lower levels of the police than among high-level officers who personally benefit from the present system. Political resistance is likely, too. Many in the political elite, too, are happy to retain a justice system that is relatively cheap and easily manipulated in their favour. Pushing for reform will need not only engagement, but some conditionality. In October 2002 a donors conference in Bishkek promised new loans and grants of U.S.\$700 million. At least some of this money should be tied to serious reform of the security sector, without which most aid aimed at economic development will continue to have little impact on ordinary living standards.

The events of 2002 in Kyrgyzstan have proved that the corrupt and ineffective policing system is a potential threat to stability, even to the present political elite. It is a drain on the economy and of only limited use against serious security threats. Avoiding reform is the easy way out, but it would be a politically short-sighted approach that could seriously undermine the state in the long term.

⁴⁴ ICG interview, Osh, September 2002. This statement emphasises the point that advisers and trainers need to avoid condescension in their attitudes to local police. There are highly qualified staff in each police force, and in many cases suspicion of outsiders will be only reinforced by arrogance or lack of respect for existing skills.

IV. TAJIKISTAN

While police reform in Kyrgyzstan is primarily a conflict prevention mechanism, in Tajikistan dealing with law enforcement agencies takes place in a post-conflict environment after a long and brutal civil war in which police units played a significant role.

Under the 1997 peace accord, opposition fighters were to be integrated into the military and security structures. This process, however, had little impact on the actual structures of the police, which remained largely unreformed. The General Agreement’s Military Protocol called also for reform of the power structures. No significant work was done, however. Attempts by the UN in 1998-99 led nowhere.

In the eyes of some human rights activists, there is little chance of reforming the police in Tajikistan. They are seen often as brutal, highly criminalised and suffering from rampant corruption. However, there are officers near the top of the hierarchy who understand that the time has come to move towards a more accountable system in which the police are more effective and less abusive of human rights.

A. STRUCTURES

1. Security Organs

Despite the civil war and the subsequent integration process, the security structures in Tajikistan effectively mirror those in other Central Asian countries. The Ministry of Internal Affairs remains the most powerful armed institution, while the army is widely viewed as ineffective and weak. Statistics remain a state secret, but estimates put MIA personnel at around 28,000, a high number for a country of seven million.

The MIA may be the most powerful organisation in the country but politically much weight is placed on the Ministry of Security, which is considered loyal to President Rakhmonov. Other structures with security roles include the Ministry of Emergency Situations, which soaked up many opposition fighters, and the Border Guards, which has gained a reputation as one of the most corrupt security institutions. The Presidential Guard is also an increasingly powerful institution, charged with security of the president.

Most informal paramilitary units have been disbanded, although there are certainly areas where

former field commanders continue to wield considerable authority. In regions such as the Karategin Valley, home to many former opposition fighters, informal leaders still wield much more power than the formal heads of local government.

2. Oversight

Even more than in Kyrgyzstan and Uzbekistan, there is a remarkable lack of oversight of the security forces. Acting as effectively independent armed forces in the civil war, they are used to little scrutiny of their behaviour from society, the courts or other state organs.

The procuracy is the institution charged with primary oversight over their activities but many human rights activists charge that it is too closely involved in investigation to allow it to function effectively in this role. According to the procurator's office, even this level of control was absent, until President Rakhmonov forced the MIA in 1999 to submit to its oversight.

In many ways, the MIA control structure is much more complicated than the political hierarchy would suggest. There is some confusion over even the formal power structure. In a system of widespread corruption, relationships are not always decided along formal lines but often by personal competition and financial interests.

The judicial system is weak, far from independent and under-resourced. There are about 200 judges, who are now chosen by a supposedly independent Council of Justice, established to improve the independence of the judiciary. In practice, everybody interviewed by ICG suggested that this body was even worse than the previous system of political appointments because of widespread corruption.⁴⁵ One significant step forward in 2002 has been transfer of the penitentiary system from the MIA to the Ministry of Justice. It is too early to assess whether conditions for prisoners have improved significantly, but it is an important reform that raises hopes for further changes in the justice system.

Oversight from the press and NGOs is limited by the largely closed nature of the MIA and Ministry of Security. Some procurators have developed

relationships with the media, but most police structures remain unused to dealing with the media. Journalists who have become too outspoken about sensitive issues have been harassed and threatened.⁴⁶ Few human rights groups are active in the country. They are permitted to register and monitor human rights issues but are often not permitted access to places of detention.

B. PROBLEMS

Although the government tends to exaggerate improvements in the security situation, there is no doubt that it has been transformed since 1998. Any suggested change of the system has to take this into account and ensure that reform of the security forces does not bring about higher levels of insecurity.

While the present system has ensured a certain level of public order and ended the activities of the worst armed bands, it has done little to prevent the growth of serious organised crime, in particular smuggling of narcotics and other contraband. Much of this trade is now directly or indirectly under the control of the security services.

The police have not yet adapted to policing a peaceful society. It is important to bear in mind that for years they were on the frontline of the civil war, used to dealing with problems solely by force. Until 1999 they remained largely militarised, with no oversight from other organs. Since then they have been gradually brought under centralised control, and oversight from the prosecutor's office has been increased. But they are still a long way from being a body that can ensure security for society or that is trusted by the majority of the population to deal with threats to the person or community.

1. Human rights abuses

One result of the civil war has been a brutalisation of many of those who served in the forces. The police were often involved in the fighting and were the government's main defence against its opposition.

⁴⁵ This is a good example of how structural change intended to improve the justice system along more democratic lines does not always produce the intended results.

⁴⁶ In November 2002 three journalists who had uncovered abuses in the call-up system for the army were forcibly drafted. "Tajik military retaliates against journalists by drafting them into army", Eurasianet, 5 November 2002, at www.eurasianet.org. See the Committee to Protect Journalists (www.crj.org) for more information on harassment of journalists.

The civil war was a cruel encounter in which little attention was paid to rules of war or human rights. This has taken a severe toll on the police: human rights activists and international officials report regular complaints of police brutality. According to Human Rights Watch, in 2001, “torture by police and security forces remained endemic”.⁴⁷

In October 2002 Amnesty International published a worrisome report on Tajikistan’s use of the death penalty, which is often carried out in secret and without due process of law. The report concluded that the application of the death penalty is “relentlessly cruel and arbitrary”.⁴⁸ The report also detailed police brutality against suspects and potential witnesses. There are many disturbing cases, a considerable number of which demonstrate lack of official interest in investigating claims of brutality and torture by the security organs.

Abduali Kurbanov was sentenced to death in March 2002 for three murders. He had originally voluntarily gone to the police in May 2001 to provide evidence as a witness in the investigation of the murders. He was allegedly repeatedly beaten by the police until he confessed himself. Understandably, with such abuses widespread, there is little enthusiasm among the general public to volunteer evidence to the police.⁴⁹

Some of this brutality can be attributed to the legacy of the civil war, when the police were effectively soldiers, with little regard for the rights of their prisoners and opponents. But they are ill-prepared for policing the peace. As one high-ranking MIA officer noted:

It is necessary to break the psychology of a police official, he has to be ... retrained, and he needs the technical means to correctly document a crime to stop him getting confessions with his fists or with a gun.⁵⁰

Others noted the need for psychologists to work with officers.

Widespread abuses are also the result of a system of policing that places the emphasis, as in

Uzbekistan and Kyrgyzstan, on gaining confessions from prisoners, and much less on gathering evidence. Suspects are assumed guilty when they enter the judicial process. A weak court system ensures that confessions obtained by torture are almost always accepted without question.

Part of the reason for this regular brutality towards suspects is a lack of investigative capacity. One senior MIA official commented:

Why are there 40 cases brought by the prosecutor’s office every year against policemen? Because there is no equipment for documenting crimes. It’s easier to beat out a confession, than document a crime.⁵¹

Officers often do not even have the proper materials for taking fingerprints and use scotch tape instead.⁵² But technical inadequacies do not alone account for such a high level of brutality within the police. The major reason is the lack of oversight from other institutions, primarily the procurator’s office.

Occasionally, the procurator does intervene and bring charges in particularly odious cases of brutality, but such interventions seem to be the exception. In 2002, ten senior policemen, including the head of the MIA in Sughd Province, were sentenced to jail terms after they were found guilty of a series of abuses, including the beating and torture of six men accused of murdering a local government official.⁵³ But more often than not, procurators have failed to prevent or punish police abuses. One explained:

In the end the militia are armed people, and some prosecutors are afraid of them...and the militia themselves cover up their crimes, and the procurator cannot spend all his time only overseeing the militia.⁵⁴

In addition, the procurator has such a wide range of functions that he is often too closely involved in the investigation of a case, or has given approval for an arrest, and will rarely retract this.

The other major problem, as in both Uzbekistan and Kyrgyzstan, is the quota system for arrests and crime detection. Clear-up rates are the main basis for

⁴⁷ Human Rights Watch, *World Report 2002, Tajikistan*, at www.hrw.org.

⁴⁸ Amnesty International, *Tajikistan: Deadly Secrets. The Death penalty in law and practice*, October 2002.

⁴⁹ Ibid.

⁵⁰ ICG interview, Dushanbe, October 2002.

⁵¹ ICG interview, Dushanbe, October 2002.

⁵² ICG interviews, Dushanbe, October 2002.

⁵³ *Asia-Plus Blitz*, 30 July 2002.

⁵⁴ ICG interview, Dushanbe, October 2002.

assessments. As the head of one police department admitted, "If the clear-up rate last year was 70 per cent, and this year it is 65 per cent, I can lose my job."⁵⁵ This quota system puts extraordinary pressure on police chiefs to uncover crimes at almost any cost. There is little censure for officers who use illegal methods, and there are frequent cases of innocent people being arrested for crimes they did not commit but who are vulnerable because they are former prisoners, just poor, or defenceless.

The statistics system also contributes to the imprisonment of many women on minor drugs charges: to maintain high rates of arrests in drug-related crime, the police tend to arrest many minor traffickers, allowing more serious offenders to operate largely unhindered. The statistics tend to show a high number of arrests, but most of these are traffickers carrying a tiny amount of drugs, sometimes deliberately planted to draw attention away from more serious traffickers.⁵⁶

2. Corruption

The present procurator responsible for transport issues, Kurbanali Mukhkhbatov, won national attention when he conducted a raid on internal police checkpoints in 2002. He travelled with Ministry of Security officials through Sughd Province in five buses, full of passengers. Along the way, none of the police encountered checked the buses for guns or contraband, although all officers on board were armed. Instead each checkpoint merely extorted money from the drivers. Mukhkhbatov ordered the removal of 27 checkpoints, pointing out that they did nothing to prevent the movement of criminals or guns, and merely took money from poor people.⁵⁷

This incident demonstrates the connection between ineffective policing and corruption. Banditry, terrorism and narcotics trafficking all thrive in an environment in which effective policing is subordinated to the need to extort money from travellers. But extortion of money on roads is merely the tip of the corruption iceberg. Senior law enforcement officials are allegedly involved in the smuggling of narcotics and other contraband as well as further organised illegal criminal activity.

The other area of corruption that is all too pervasive is control over business. All security forces and government agencies are involved in an endless round of harassment. In theory, according to presidential decree, businesses should not be checked more than twice a year, once by the tax authorities, and once by a joint commission. Businesses have a special journal in which all inspections should be recorded. In reality, nobody uses the book, and inspections are much more frequent. According to one procurator, a carpet factory was inspected 48 times in 2001.⁵⁸ As one interviewee noted: "It is simply impossible to do business without contacts in the security forces, or the government".⁵⁹

3. Personnel and Resources

Despite the huge size of the MIA, most police officers complained that resources were their major problem. In the city of Khujand, with a population of 145,000, the city branch of the MIA has around 500 staff, including 47 officers in the criminal police, and 100 ordinary police officers (militia). The criminal police have two cars, and three radios.⁶⁰ They receive money from the budget only for salaries. They have to fund petrol, uniforms, equipment and so forth themselves (though often assisted by the local government).

A high-ranking officer earns about 40-50 somoni (U.S.\$13-\$16) a month. An ordinary police officer gets about 17 somoni (U.S.\$5.5). A regional judge receives about U.S.\$20. Several procurators admitted that they had to pay their staff salaries themselves. Many police stations have developed smallholdings on which they farm animals and grow crops.⁶¹

This underfunding both fuels corruption and makes recruitment of qualified staff difficult. Despite widespread unemployment, it is not easy to get city-dwellers to work in the police. Only about 25 per cent of ordinary police are from the city. Most come from villages. This is a serious recruiting problem. As one officer explained: "Why do we need people from the city? They know the town. They talk to people in a different way".⁶² They tend to be better educated, more knowledgeable of the legal rights of

⁵⁵ ICG interview, October 2002.

⁵⁶ ICG interview with human rights activists, Khujand, October 2002.

⁵⁷ ICG interview with Kurbanali Mukhkhbatov, Dushanbe, October 2002.

⁵⁸ ICG interview, October 2002.

⁵⁹ ICG interview, Khujand, October 2002.

⁶⁰ ICG interview with Major Bakhtiyar Habilov, head of criminal police, Khujand city, 16 October 2002.

⁶¹ ICG interviews, Khujand, Dushanbe, October 2002.

⁶² ICG interview, Khujand, October 2002.

the population, and more capable of developing investigative techniques.

Most ordinary police have limited education, and training is inadequate. The MIA academy is the main source of training but most police officers suggested that it was far from sufficient. One procurator indicated that up to 70 per cent of police officers have no specialised training.⁶³

C. PROSPECTS FOR REFORM

1. Internal Reforms

The focus of government efforts in building up a viable state apparatus in the law enforcement field has been on successfully integrating former opposition commanders and their private armies into existing structures, or somehow ending their ability to operate independently of the central government. There has been a good deal of success, although probably less than the government claims.

The improvements in security are undeniable. It is now relatively safe to move around the country, and kidnapping and hostage-taking are rarities rather than the norm. This is partly down to the actions of the security services but also reflects a more complex relationship between political elites, the security forces and criminal groups.

In simple terms, a deal has been struck. Criminal groups are permitted to operate within certain bounds. Security forces are closely involved in many ways with them, but ensure also that competition among such groups does not grow out of control and threaten public order.

This is somewhat similar to processes seen in Russia in the mid-1990s, where many racketeering operations were effectively taken over by the police. On the one hand, the public is protected from the constant Mafia shootouts and unpredictability; on the other, public confidence in the police is badly damaged because of their identification with organised crime.

In 2002 there has been a gradual attempt to clean up some of the security services, beginning with the most corrupted of all, the border guards. The investigation into the latter service seems to have

been instigated after complaints of Russia, concerned that its efforts at guarding the frontier were being undermined by the overt criminal behaviour of some Tajik colleagues.

A State Commission, consisting of the heads of power ministries, was established to oversee the process. It did make some serious inroads into the most corrupt echelons of the border guards but failed to investigate the other security bodies with the same commitment, apparently because of internal opposition.⁶⁴

Senior MIA officials claim that a campaign to clean up the ranks has begun, including dismissal of corrupt officers and charges brought against the worst offenders. In one major case, Lieutenant Colonel Safarali Chalishev was sentenced to 25 years imprisonment in October 2002, for twenty crimes, including six murders, banditry, armed robbery, and drug trafficking.⁶⁵ But there is little sense of urgency in transforming police structures in a deeper way that would engender public trust.

Getting rid of a few of the worst offenders and mounting some investigations and trials against the police is a welcome step forward, but to improve the effectiveness and independence of the police in the long term requires wider changes in the system. That this can happen may be an optimistic hope, given the scale of the problems noted above but some senior officers and other officials within the justice system are willing at least to discuss possible changes for the future. This nascent recognition of the need for change should be seized on and developed. There is a sense that the increasing international involvement in Tajikistan has left the security services largely untouched, and they often feel isolated from international experience and programs.

The main complaint of most police ICG interviewed was their living conditions. As one officer commented: "The most important thing is material guarantees. So that when sitting here, an officer doesn't have to think about the fact that he doesn't have a single potato at home".⁶⁶ As in Kyrgyzstan, this issue clearly has to be addressed in any reform if corruption and criminalisation are to be reduced. How depends on finding alternative sources of

⁶³ ICG interview, October 2002.

⁶⁴ ICG interview.

⁶⁵ "Police Officer Sentenced to 25 Years' Imprisonment", *Asia-Plus*, 9 October 2002.

⁶⁶ ICG interview, Khudjand, October 2002.

revenue from the overstretched central budget. There is probably a case for downsizing the force, but any plans for demobilisation have to be approached carefully. Previous army demobilisation programs focused on former opposition fighters and upset the balance reached after the civil war. Any demobilisation program has to consider the potential impact of adding to the ranks of unemployed young men those with experience of using arms and existing criminal links.

Discussion of police reform in Tajikistan has hardly begun. The problems are widely known, if not well researched. The complaints of police regarding lack of material and technical support are well-founded but changing the financial regime under which they work will require changes to their structures, management and practices. The sector needs original ideas, including on financial restructuring, but this will require transparent budgets and publication of data on personnel. Those who benefit from the current situation are likely to resist.

In the short term the most that can be expected is a more urgent campaign against the most serious police abuses, led by the State Commission on Power Structures, and a beginning by the MIA to consider more far-reaching reforms in the future. Proposals made in the preparation of a new criminal procedural code to narrow the functions of the procurator should be considered carefully and that organ focused more heavily on oversight of law enforcement bodies.

This requires continued political pressure on the MIA to carry out more thorough checks on officers, to take some responsibility for the level of brutality reported by human rights groups and international organisations, and to draw up proposals to tackle the problem. The MIA needs to open up more to scrutiny and begin to think of the public as its client, not primarily its enemy.

2. International Involvement

So far there has been little international interest in such projects. The police are seen as too corrupted and criminalised by some, or the problems too deeply entrenched. Most involvement in the security sector in Tajikistan has focused on two aspects: the integration of former fighters into government forces or their reintegration into civilian life; and the struggle against drugs smuggling that has so dominated the country.

Many police officers have little positive experience of engagement with international organisations: According to one leading officer, “International organisations only promise to help in training officers. But they have done nothing. They write their reports, and we get nothing”.⁶⁷ Suspicion and mutual distrust between international organisations and the police is understandable. Many of the former have been involved in human rights issues and have come up against the opposition of the security forces. But in the long run, engagement with the police is essential if systemic change is to take place. This has been the approach of the UN, which has begun providing selected technical assistance, mainly with the aim of improving human rights, and following the advice of the police themselves: “To protect human rights, you need to give the police equipment. A tape recorder at least”.⁶⁸

UN assistance has included the establishment of a forensic laboratory, a direct attempt to tackle torture by increasing police investigative capabilities. Whether this will have an impact is hard to predict but it at least reduces the excuses for brutality that presently are used. The UN is probably in the strongest position to work with law enforcement agencies in Tajikistan but it would be more effective if it could engage other international actors also. The OSCE might usefully back up the UN with its own personnel, ideally adding a full-time police adviser to the OSCE team to work in coordination with the senior police adviser, based in Vienna.

The OSCE is already involved in human rights training, running a number of workshops for law enforcement agencies. The Open Society Institute (OSI) in Tajikistan has also conducted some small programs with law enforcement agencies, including provision of computer equipment for investigators, and some training on human rights issues, but admits that it could do more.⁶⁹

The most visible example of international involvement with the police has been the establishment by the UN ODCCP of a special drugs unit, the Drug Control Agency (DCA), which began work in March 2000. The DCA is an interesting example of a model agency, financed by an

⁶⁷ ICG interview, Dushanbe, October 2002.

⁶⁸ ICG interview with senior police officer, Dushanbe, October 2002.

⁶⁹ ICG interview with Shakarbek Niyazbekov, OSI, Dushanbe, November 2002.

international organisation with the aim that it will one day become self-sustaining. The UN has control over all hiring decisions and tried to weed out those tainted by corruption allegations. Mostly it is staffed by former KGB officers. Relatively high salaries (U.S.\$100-\$600) have been provided, under the U.S.\$11 million annual budget, to try to prevent greater corruption.⁷⁰

The agency has not been without its critics.⁷¹ The office is widely reported to work well in the capital, Dushanbe. Human rights activists are less enthusiastic about operations in Khudjand. Journalists complain that the agency is a closed structure, which provides very little information on its activities. This may be a result of the nature of its work, but it clearly needs to be as open as possible to avoid possible accusations of either corruption or abuse of power.

Despite its problems the DCA undoubtedly represents a step forward from drug control units within the MIA, and acts to a certain extent as a model for other parts of the law enforcement agencies. Yet the concentration of the international community solely on this aspect of policing is unlikely to produce the kind of overall secure environment in which drugs trafficking eventually can be combated more effectively. Tackling narcotics requires effective action throughout the security services against corruption and links to organised crime, and a much greater emphasis on linking society to the police in a joint effort. It also requires broader efforts to reform security services in a way that would benefit the whole of society, not just fulfil the national interests of donors.

It is difficult for the international community to engage with structures that for many represent a repressive force. But as in all agencies there are good and professional officers seeking a way forward. There is probably some understanding within the higher reaches of the MIA that the time is coming for some serious changes within security agencies to

reflect the changes that have occurred in society. Security challenges to the state are not those of five years ago, and methods condoned during the civil war, and against recalcitrant warlords are not only repugnant in peacetime, but are counterproductive in terms of crime prevention.

For the international community, first steps must be raising awareness and continuing to push for real action against officers involved in abuses and criminality. But little long-term change will come without engaging the police on reform issues, and building up a relationship of trust will take time.

Media and human rights groups are critical for the process and could use much more international support. The latter, in particular, are relatively weak, and would benefit from training and financial backing.

There are also NGOs with close connections to the police who would benefit from international engagement. These are not NGOs in the purest sense, since they are closely linked to government structures, but they do provide potential partners with good access to the security structures. The 'Tajikistan' NGO, for example, has the formal status of an NGO, but in fact works largely within the MIA structures. Nevertheless, it has dealt successfully with OSI in the past, arranging a seminar on human rights issues. But it has no long-term partners, and only limited funding, according to Lt-Col Saidullo Rakhmatulloev, its head.⁷²

Raising awareness, improving monitoring, and beginning engagement with the police are all potential moves forward in Tajikistan. Looking ahead, security sector reform should be appearing on the agendas of international financial institutions. There is scope, for example, to include security sector and justice reform in poverty reduction strategy papers by the World Bank. Without it, there is little real hope that wider goals in governance can be met, or that political and economic development will move forward rapidly.

⁷⁰ See ICG Asia Report N°25, *Central Asia: Drugs and Conflict*, 26 November 2001.

⁷¹ Foremost among them has been Nancy Lubin, an international expert on drug policy, who has criticised the emphasis of the international community on drugs interdiction. See Nancy Lubin, Alex Kaits, Igor Barsegian, *Narcotics Interdiction in Central Asia and Afghanistan: Challenges for International Donors*, OSI, 2002, available at www.eurasianet.org.

⁷² ICG interview, Dushanbe, 28 October 2002.

V. UZBEKISTAN

More than in any other Central Asian country, the security services of Uzbekistan present themselves as a modernised force, capable of responding to serious security and criminal threats while retaining a democratic image. All the paraphernalia of democratic control are in place, including a parliamentary ombudsman and a National Centre for Human Rights. International delegations are shown a modern police academy in Tashkent and a polished public relations performance by senior police officials.

The grim reality of policing in Uzbekistan is far divorced from this picture of moderate progress. The security services have political power unparalleled in Central Asia. The interior ministry exists almost as a state-within-a-state, wielding huge influence not just in security policy but over a range of other issues, too. It has been involved in human rights abuses on a massive scale, and suffers from rampant and systemic corruption. What competent officers remain are rapidly being replaced by those who use the system solely for personal gain.

It is, in short, in crisis. And yet its present situation has a certain logic for the elite. It continues to protect their interests against what they perceive as a potentially unruly society, it is probably capable of intercepting the most serious security threats to the regime, and it provides a tool that can be used by anyone in power – from the local village chief to the central government – against any and all potential opposition, whether political, commercial or institutional.

But its continued resistance to democratic reform or the observance of basic standards of human rights has divorced it from the broader population, who view it with mistrust and fear. This lack of cooperation with society is undermining its role as a bulwark against security threats such as terrorism, and widespread corruption in its ranks casts doubt on its ability to deal effectively with major threats from transnational crime.

A. STRUCTURES

1. Security organs

Most of the formal structures of law enforcement have survived from the Soviet period, with the Ministry of Internal Affairs (MIA) at the centre. Since 1990 the MIA has grown to become the biggest armed organisation in the country, and the most powerful of all state institutions. Statistics on personnel and budget are state secrets, and estimates vary widely. Human rights organisations suggest that there are probably about 200,000 MIA personnel in the whole country.⁷³ By comparison, the military has around 70,000 and is due for a sharp reduction.⁷⁴ Lawyers and human rights activists say there are 24,000-25,000 police just in Tashkent city.⁷⁵ One source told ICG that regulations state one police official should be deployed per 100 residents, which would result in a national figure of 250,000 police.⁷⁶

The ministry is so bloated partly because it includes a variety of functions not related to normal policing. The fire service comes under the MIA, as do all issues related to passports (such as issuance and renewal). The traffic police constitute a separate department within the ministry. These divisions are reproduced at each level of the MIA. From the centre, responsibilities are delegated to regional departments and then to the next administrative levels – cities or districts, and to districts within cities.

The two key departments dealing with policing issues are the Service for Preservation of Public Order, which includes the patrol service, the police normally seen on the streets of major cities (usually referred to by their Russian name - *patrolno-postovaya sluzhba* – PPS), and the Criminal Police

⁷³ ICG interviews. International comparisons are difficult given the different nature of societies and police structures. But Nigeria's 140 million inhabitants are policed by a 120,000-strong force, while the U.S.'s 260 million citizens are policed by some 670,000. Shaw, "Crime and Policing", op. cit. Heritage Center for Data Analysis, Gareth Davis, David Muhlhausen, Dexter Ingram & Ralph Rector, *The Facts About COPS: Performance Overview of the Community Oriented Policing Services Program*, 25 September 2000.

⁷⁴ "U.S. ties inspire Uzbek reform promises", Robert Kaiser, *The Washington Post*, 1 July 2002.

⁷⁵ ICG interview with American Bar Association/Central European and Eurasian Law Initiative (ABA/CEELI) in Tashkent, December 2001.

⁷⁶ ICG interview in Uzbekistan, January 2002.

(*ugolovnyi rozysk*). There is also a special department tasked with combating corruption, racketeering and terrorism.

In addition, the MIA has armed security forces, effectively internal military units. It also has special forces, designed to react quickly to serious security threats. These troops are based in every significant regional centre and are for use mainly in cases of internal unrest. They have also been used against militant groups who have penetrated Uzbekistan from Tajikistan, for example, in the Surkhandarya region in the South in 2000. They tend to be better trained and equipped than the regular army, but have little experience of dealing with peaceful demonstrators. In the event of any serious unrest, it seems likely that their response would be entirely based on use of force.

The National Security Service (NSS) is a much smaller organisation than the MIA and is tasked with challenges to the existing constitutional system and terrorist activities. In practice it fulfils much of the role of the KGB in the old USSR. It spends a considerable amount of its time monitoring internal dissidents and peaceful opposition to the regime, intercepting communications, including email, and monitoring international organisations and their employees. It reportedly makes wide use of informants, who compensate for its relatively small staff.

2. Oversight

There is only limited oversight of the MIA and other security organs from civilian institutions. In theory, there is a parliamentary committee that has such functions but in practice it has no power and little access to information. The MIA has direct access to the presidential administration and does not answer to the government, except in the most formal sense. Oversight comes mainly from rival security and judicial organs. The National Security Service (NSS) is used regularly to check on MIA employees, and the procuracy has a formal oversight role. But in most cases, the latter is unwilling to challenge abuses within the police. In general, it works in tandem with them, and is often bound to the MIA by corrupt ties and joint responsibility for abuses.

There is very little possibility for effective civil society oversight of the police. Human rights groups actively attempt to evaluate police activities but they work in a hostile environment in which only one of

their number has been formally registered.⁷⁷ Activists are sometimes harassed by police and occasionally arrested when they attempt to uncover police wrongdoing.

The media is also unable to cover police affairs freely. Despite the abolition of formal censorship in July 2002, there has been no significant improvement in media freedom. Each editor is effectively charged with the censor's responsibilities, and few are willing to take significant risks, particularly with regard to the security services. There are investigative articles regarding police wrongdoing but they are few and far between and only published when there is some kind of official sanction.⁷⁸

A parliamentary ombudsman receives civilian complaints about human rights abuses but according to most human rights groups, only very petty incidents get any kind of redress. Equally appeals to government bodies or parliament seldom receive a significant response. Citizens' complaints often get lost in the system, either through bureaucratic inertia or design. Citizens who take complaints to official bodies such as parliament, the Supreme Court or the presidential apparatus are often at the mercy of a corrupt secretary or clerk, who will offer to 'lose' a complaint against a judge or law enforcement officer for a small fee.⁷⁹

The National Centre for Human Rights is the acceptable face that presents the government's case to the world. It does not investigate complaints itself, but passes them to the ombudsman.

All these oversight institutions are strictly controlled by the government, and none are in any sense independent. Occasionally, a gross abuse that is difficult to cover up, or something that affects a family with connections, will be investigated. But in most cases abuses of power are accepted as part of the system.

⁷⁷ This is the Independent Human Rights Association of Uzbekistan, headed by Mikhail Ardiznov. Other groups, such as the Human Rights Society of Uzbekistan, or *Ezgulik*, have been repeatedly denied registration.

⁷⁸ See, for example, Mannoï Otaboi, "*Adolatmi, adovat?*" [Justice or Hatred?], *Fidokor* (Tashkent), 13 August 2002, pp. 1-3.

⁷⁹ ICG interviews, Tashkent.

B. PROBLEMS

1. Repression

Many Uzbek officials argue that the country faced a range of serious security threats after independence that explain the scale of the security forces now deployed in the state. There is some logic in this argument: after independence there was a widespread fear that Uzbekistan would go the way of Tajikistan and break down into severe unrest or civil war. Competition between rival clans threatened internal stability and in the Fergana valley, in particular, radical Islamist groups grew strongly in influence in 1990-92, posing a threat to the secular nature of the state.

President Karimov used the MIA as his main political weapon for tackling this early threat to his authority. Successive waves of arrests decimated both the secular and religious oppositions, particularly after 1997, when Islamists were allegedly involved in the murder of police officers in Namangan, and again after the bombings of Tashkent carried out allegedly by Islamic extremist groups in 1999. The Russian human rights group "Memorial" compiled a list of some 9,000 individuals arrested and tried for religious or political crimes from December 1997 to August 2001.⁸⁰ Human rights groups claim that some 7,000 remain in prison on the basis of religious or political activism.⁸¹

This clampdown has been explained by some Western observers as necessary to prevent the growth of Islamic extremism.⁸² But most trials of those convicted on religious grounds provide no

evidence of violent activity, or any plans to use violence. Many of those arrested were members of Hizb-ut-Tahrir, an organisation with radical aims committed to establishing an Islamic state through peaceful means. Although their ideas are radical, there is no evidence that most have ever been involved in any violent or conspiratorial activity. A large body of evidence suggests that many of those imprisoned were simply pious Muslims with little knowledge of politics and no affiliation to extremist groups.⁸³ Former senior police officials admitted to ICG that in 1999-2000 they had been ordered to arrest many who were known to be religious but against whom there was no evidence of involvement in radical organisations.⁸⁴

Regardless of the characterisation of these prisoners, there is no excuse for the brutality used against them. The level of human rights abuse by the police has been well reported and documented by human rights groups and the UN, including that torture is still widely used to extract confessions from detainees and in prisons against those already convicted.⁸⁵ There has been little attempt by the Uzbek authorities to take into account international and domestic condemnation of such practices.

Police repression is not confined to those suspected of religious extremism. The police are widely used as a weapon at all levels against awkward citizens who oppose corrupt behaviour or criminality by the authorities. At the lowest level, it is used against those who may protest at the corruption of local officials. According to a report from an independent human rights group, three activists who challenged the corruption of their local administration head in the Kashkadarya region in the south of Uzbekistan were sentenced to between five and six years

⁸⁰ Memorial, *Spisok lits arestovannykh i osuzhdennykh po politicheskim i religiozным motivam v Uzbekistane (dekabr' 1997g.-avgust 2001g.)* [List of those arrested and sentenced for political and religious reasons in Uzbekistan December 1997-August 2001], Moscow, 2001.

⁸¹ The government refuses to provide official figures and claims that it holds no political prisoners. It provided a partial break-down of those held in prisons in its latest submission to the UN Commission on Torture. On 1 September 2000 the number of prisoners was 63,700. Of the total, 36.1 per cent were in prison for theft, 23.7 per cent for more serious offences, including murder. Other crimes listed were drug-related (11.7 per cent), economic offences (6.2 per cent), and hooliganism (3.8 per cent). This leaves 18.5 per cent (11,784) of prisoners unaccounted for in official statistics.

⁸² See, for example, Stephen Schwartz, "Our Uzbek Friends: They're the Enemy of our Enemies", *The Weekly Standard*, 22 October 2002.

⁸³ See ICG Central Asia Briefing, *The IMU and the Hizb-ut-Tahrir: Implications of the Afghanistan Campaign*, 30 January 2002.

⁸⁴ ICG interviews, Tshkent, August, October 2002; see also ICG Briefing, *The IMU and the Hizb-ut-Tahrir*, op. cit.

⁸⁵ See in particular, Human Rights Watch, *And It Was Hell All Over Again Torture in Uzbekistan*, December 2000. Available at www.hrw.org. See also International League for Human Rights, *Observance by the Government of Uzbekistan of the Convention against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment in 1996-2002*; UN Office for Human Rights, "Conclusions and Recommendations of the Committee against Torture: Uzbekistan", 28 May 2002. See also ICG Asia Report N°21, *Uzbekistan at Ten: Repression and Instability*, 21 August 2001.

imprisonment in September 2002 on dubious charges.⁸⁶

Part of the reason for police brutality lies in the structures and political priorities of the leadership. Every police department receives a quarterly and yearly plan of how many crimes should be uncovered, how many drugs seized and so forth. The plan has little relation to the reality of the criminal situation, but the police are forced to comply with it.⁸⁷ This has several negative side effects. First, the pressure to improve clear-up rates ensures that innocent people are frequently arrested to fit the crime. Secondly, crime is underreported to a huge degree. Officers tell of cases where they effectively bribed members of the public not to press charges; others tell of farcical situations where police take dead bodies from one police territory to another to avoid including a murder in their statistics. Members of the public reporting crimes in the last weeks of the reporting period are persuaded not to pursue the case.⁸⁸

The problem of political interference with statistics is not unique to Uzbekistan. As already discussed, it is prevalent throughout Central Asia, and indeed it is a common complaint in Western police forces. But in Uzbekistan it has reached a level where it undermines police effectiveness and contributes to human rights abuses. Pressure to arrest Islamist radicals by quota has led to detention of a large number of people unrelated to any anti-constitutional or violent activity. Pressure to get results inevitably leads to brutality, as police seek confessions. Collecting evidence takes time and skill, but while there is constant pressure for results from superiors, there is very seldom any reprimand for using physical force against a prisoner, and confessions gained in this way are always admitted in court.⁸⁹

⁸⁶ *Sovmestnoe soobshchenie Kashkadarynskogo oblastnogo otdeleniya OPChU i press-tsentr OPChU* [Joint Report of the Kaskadarya provincial branch of the Human Rights Society of Uzbekistan and press-centre of the HRSU], 17 September 2002. ICG interview with Human Rights Watch, Tashkent, November 2002.

⁸⁷ The problem of quotas has been particularly acute in 2002-2003. Crime has risen as a result of the amnesty declared in 2002, under which thousands of convicts were released. There was little government assistance to reintegrate them into society, and many have gone back to a criminal way of life.

⁸⁸ ICG interviews, Tashkent, Fergana.

⁸⁹ ICG interviews with lawyers at the Association of Advocates, Tashkent, November 2002.

Police repression ensures that there is mistrust and fear of the institution among many sectors of society. Those whose relatives have been imprisoned on negligible or non-existent evidence are unlikely to be helpful when the police require assistance in tackling real security threats. Indeed, it seems that police repression has merely radicalised many sectors of society, particularly among those with strong religious beliefs. Far from being a bulwark against religious extremism and terrorism, police action in Uzbekistan is at least in part creating the preconditions for the emergence of those phenomena.

One key factor in any anti-terrorist campaign has been to neutralise those who may not overtly support extremism but are either passively sympathetic to its aims or so hostile to the police and government that they will not cooperate in reporting possible terrorist activity. Ensuring that this sector of the population begins to cooperate with the police against extremist groups is a major step forward against terrorists themselves. But police repression in Uzbekistan has left behind widespread resentment within religious communities and among the relatives of the repressed that ensures they are unlikely to be among those to warn or fight against any real extremist threat to the state.

Repression and a lack of control over the police mean that most of the population prefers to avoid contact with them wherever possible. Witnesses are reluctant to testify, there is no incentive to inform officers of potential criminal activity, and few people expect any serious response if they telephone emergency numbers.

2. Corruption

The traffic police may be among the most corrupt in terms of everyday interaction with the public. They stand by the side of the road and take bribes from passing motorists. But high-level corruption is much more significant in the long term, and in terms of the potential for reform. High- and low-level corruption are intimately linked, because each junior employee has to pass on a part of his proceeds to his boss, and so on up the chain.

To get an idea of the way the system works at the lower level, ICG interviewed a traffic policeman from Namangan, who had paid U.S.\$2,000 to get his post, with the help of relatives who had connections in Tashkent. On average he received about 20,000 soms (U.S.\$17) in bribes from motorists each day,

roughly the equivalent of an average monthly salary. He used part of his earnings to buy regular presents for his bosses. But his work could also be dangerous. When he tried to extract a bribe from one driver, he discovered too late that he was the nephew of a well-known criminal authority and was badly beaten by some of his henchmen.⁹⁰

This link from petty corruption at the bottom to high-level corruption at the top pervades the system. Criminals may be released or their sentences reduced if they offer enough money to police officers and the corresponding procuracy official. One former member of Hizb-ut-Tahrir told ICG that he had been released from police custody after his father paid U.S.\$5,000 to the officials involved.⁹¹

Corruption does not only operate in terms of money. Clan networks and kinship links play an important role in orientating the police away from serving society equally and towards favouring their own. Many blame the corrupting link between relatives in the security forces and justice system on traditional kinship relations within Uzbek society. A cultural role is at play, but it also reflects the reality of most people's lives: they cannot expect a policeman's help unless he is a blood relation or a close friend. A regional procurator explained that this was a main reason for joining the services. Given the political and economic structures and the lack of independent judicial systems, the only way to survive is to have a network of contacts and relatives who will support you. A relative in the interior ministry or procurator's office can solve a family member's problems with a couple of phone calls.⁹²

Corruption starts from the very beginning in the MIA. In 2002 the Tashkent police academy was considered one of Uzbekistan's most expensive universities, with "entrance fees" ranging from U.S.\$5,000 to U.S. \$15,000, depending on the level of contacts of the entrant.⁹³ Further bribes are necessary to pass exams, gain a respectable post after graduation and so forth. Meanwhile, the level and

quality of training has declined.⁹⁴ Posts are generally bought and sold, depending on the potential profit to be had from a particular position. Hence from the beginning, officers are forced to become involved in corruption to pay back their families' investments.

The potential profits can also depend on connections and networks. Not everyone who joins the justice system finds a way to make easy money. Many young people are disappointed by the reality. As one regional procurator explained:

Salaries are small, and it takes a long time to climb up the hierarchy and have access to other sources of income. But by the time [young entrants] have realised that, it is too late, they have already spent several years in the service.⁹⁵

At the highest level corruption has a direct impact on security, since it involves links between organised crime, high-ranking officials, and senior law enforcement representatives. This is particularly worrying with regard to drug transit: one senior officer alleged that a parliamentary deputy used his connections with government officials and law enforcement officers to transit large volumes of drugs through Uzbekistan to Russia and Western Europe.⁹⁶ A former drugs officer complained that there were people involved in the trade whom they could not touch: these Mafia circles had too much political protection.⁹⁷ One officer told ICG of arresting a young man after a chase, with one kilogram of heroin in his car. After discovering that he was the son of a senior official in the procuracy, the police officer was not only forced to release him and his illegal cargo, but also pay for the repair of his car, damaged in the chase.⁹⁸

All these aspects of corruption are ultimately damaging to security, and undermine efforts to provide training and technical assistance against transnational crime, or indeed terrorism. They also have a long-term corrosive effect on the people who work in the security structures, ensuring that even

⁹⁰ ICG interview, Tashkent, August 2002.

⁹¹ ICG interview, Tashkent, October 2002.

⁹² One junior procuracy official explained: "My father is a truck driver, and simply with a phone call, I was able to solve his problems with customs and with the traffic police". ICG interview, August 2002.

⁹³ ICG interviews with police officers, Tashkent.

⁹⁴ ICG interviews with senior police officers, graduates of MIA police academy, Tashkent, September-October 2002.

⁹⁵ ICG interview, August 2002.

⁹⁶ ICG interview.

⁹⁷ ICG interviews with former drugs officers, Tashkent, September 2002.

⁹⁸ ICG interview, Tashkent, August 2002.

good officers are gradually forced either to accept the system or leave the force.

3. Personnel and staffing

Despite the internal problems and the environment in which they are forced to work, the police still include some good, professional officers, who carry out their duties more or less honestly. But their numbers are shrinking. They are leaving in increasing numbers, disillusioned with the system and the lack of financial benefits for honest officials. Those who stay echo the words of one interviewee: “We do this job not because we like what we do but for purely economic reasons. We would prefer to be honest and have decent pay, rather than cover up the wrongdoings of corrupted officials”.⁹⁹

For the most part, good officers are replaced by less educated, less well trained recruits, whose main aims are promotion and opportunities for self-enrichment. One former senior police officer described the makeup of the force:

There are three categories of police in our country. [First], there are those who just sit in offices and have no practical experience. These are relatives of government officials, who soon get promoted and achieve high rank. The second category are those who are submissive, always loyal to the boss and ready to do his every bidding. The third group of officers are highly qualified, with more or less strong principles, and carry out their work with devotion. They are kept on to do the actual work, but are often not trusted by their superiors because they may question their decisions.¹⁰⁰

Not surprisingly, it is this last group of officers, many trained in the Soviet period, who have been leaving the force in growing numbers. All officers interviewed by ICG claimed that the lack of good officers was a serious obstacle to fighting crime. In the criminal police department in one district of Tashkent, 42 officers are listed as employed. In reality, only twenty are operational; the rest merely

use their titles and privileges for their own personal interests.¹⁰¹

When they can, experienced officers are leaving, either to work in Russia, where there is a shortage of good specialists and much better salaries, or to go into private business. The quality of new recruits, meanwhile, continues to decline. At the lowest level, recruits tend to be poorly educated youths from rural areas. At the top level, recruits to the police academy are those with connections and the money necessary to bribe one’s way in.

For officers who have failed to engage in profitable corrupt activities, the salaries and conditions of work are unattractive. A regional-level procurator earns 20,000 soms (approximately U.S.\$18), an ordinary police officer even less. Soviet-era privileges such as free public transport have largely been lost. The police complain that they get little social protection, and their rights of service are often ignored.

For all their power, the police are largely unprotected legally. There is no law on the police that would define their rights and duties, and indeed the rights and duties of the population in their dealings with the police. Ordinary police officers complain that they are the first to be punished if corruption is uncovered or abuses need to be punished, leaving officials in the procuracy or NSS largely untouched.¹⁰²

“Professionals” in the various services complain that the working hours are impossible to maintain. Officials in a regional procurator’s office claimed to regularly work from eight in the morning to eleven at night, and often at weekends. Partly this is because they have to cover for incompetent colleagues, but also because of the huge bureaucracy. The biggest problem according to one procuracy official is the “unnecessary paper work produced solely to make our bosses look important”.¹⁰³

C. REFORM PROSPECTS

1. Internal Reforms

While the prospects for reform of law enforcement agencies may seem distant in Uzbekistan, there has

⁹⁹ ICG interview with traffic policeman, Tashkent, August 2002.

¹⁰⁰ ICG interview, Tashkent, September 2002.

¹⁰¹ ICG interview with police lieutenant-colonel, Tashkent, August 2002.

¹⁰² ICG interviews with police officers, Tashkent, August-October 2002.

¹⁰³ ICG interview, August 2002.

been some reduction in the overall level of police abuse in 2002, at least with regard to arrests on religious and political grounds. Most local and international human rights organisations acknowledge some improvements. The U.S. State Department claims that around 300 people were arrested on religious grounds in the first seven months of 2002, compared to about 1,500 in any other seven-month period in recent years.¹⁰⁴ This is clearly progress, although the level of arrests remains too high. It is also not certain whether this trend will be sustained. In the second half of 2002 arrests seemed to begin to creep up again. In May-September 2002 six members of the Human Rights Society of Uzbekistan alone were arrested.¹⁰⁵

There have been some other positive steps, however. On 30 January 2002, a Tashkent court sentenced four Uzbek police officers found guilty of torturing prisoners to twenty years in jail each. This was followed in June 2002 by the sentencing of three NSS officers to fifteen years in prison for beating to death Alimuhammad Mamadaliev while he was in custody. Some suggested that this was the beginning of a crackdown on abuse in the police, but the failure to publicise the trials suggested that the government was not serious about getting the message across to a wider audience, and particularly not to other police officers. Vitaliy Ponomarev of the Russian Human Right Centre 'Memorial' believes that "if the government had sanctioned broad coverage of trials of security officers, it would have been a signal that the government's policy on use of torture is changing, but unfortunately, this did not happen".¹⁰⁶

Nevertheless, government rhetoric for change in the justice system has increased. In August 2002 President Karimov dedicated his annual speech to the Oliy Majlis (parliament) to reform of the judicial

system and of the whole gamut of institutions from the interior ministry to the procurator's office. The problems Karimov raised included the incredibly harsh sentencing by courts, especially against minors, the lack of popular trust in the police and courts, and police brutality:

We have not entirely done away with the terrible practice of strong-armed conduct of investigations, when first a person is arrested, then isolated from society, and only then do they begin to prove his guilt. With some bad workers in the law enforcement agencies in first place is not the defence and interests of citizens, but attempts to frighten, show their power and all-powerfulness, and thus create the impression of fighting with crime.¹⁰⁷

Much of the fault for this state of affairs can be fairly laid on the desks of police officials. But the speech focused instead on the judicial system, and in particular the procurator's office. Noticeably absent was any mention of reform of the MIA itself, despite the obvious concern that its actions were increasing popular dissatisfaction with the government. The impression at present is that the MIA is simply too powerful to be challenged.

The interior ministry was given largely free rein in tackling the internal opposition and as a result has had remarkable freedom to expand its activities and budget. At its head is Zokirjon Almatov, who came to power with Karimov in 1992 and has remained at his side. Almatov remains one of Karimov's most powerful ministers and a serious potential obstacle to any attempts to reform the ministry. Accounts of his relationship with Karimov vary, with some suggesting that Karimov would like to replace Almatov with a less powerful figure.

Most agree that many of the most powerful clans have little enthusiasm for Almatov. There are suggestions that an attempt was made to topple Almatov in 2001, and some suggest that a further attempt to dismiss him may come in 2003.¹⁰⁸ But most of this struggle for influence around the head of the MIA is about influence, not reform. The position is one of the most powerful in the government hierarchy, and understandably rival groupings would like to claim it for their own.

¹⁰⁴ U.S. Department of State, *International Religious Freedom Report 2002: Uzbekistan*. According to Michael Ardzinov, the chairman of the Independent Human Rights Society of Uzbekistan, the number of arrests and convictions in 2002 has decreased by four to five times in comparison with the same period in previous years. Press release N°31/02 of 30 May 2002. All these figures are little more than broad estimates and must be treated with caution. There are no official figures, and many arrests and trials go unmonitored and unrecorded, either by local or international human rights groups. ICG interviews with human rights activists, Tashkent, November 2002.

¹⁰⁵ 'Obrashchenie obshchestva prav cheloveka Uzbekistana' [Declaration of the Human Rights Society of Uzbekistan], 29 September 2002.

¹⁰⁶ ICG correspondence with Vitaliy Ponomarev, June 2002.

¹⁰⁷ President Islam Karimov, speech to Oliy Majlis, 29 August 2002, Tashkent.

¹⁰⁸ ICG interviews.

Under the ministry's present leadership, it seems unlikely that any true reform is possible. But there is at least scope for discussion of judicial reform. In particular, Karimov's speech has allowed a debate to develop on the role of the procurator.¹⁰⁹ A series of articles have appeared attacking this body as excessively powerful and too repressive.¹¹⁰ And clearly it is time for a reform of the system, in which the procuracy has excessive powers and seldom has to answer for its actions.¹¹¹

Once any type of real judicial reform has been initiated, attention will again focus on the police. And this may be the entry that will enable serious political engagement on the role of the internal security forces. Clearly, real democratisation and long-term reform of the police is impossible until there is corresponding democratisation of other state institutions. But in the short term, it remains vital that the following issues are addressed:

- ❑ Human rights and oversight. The UN Committee on Torture has laid out a set of recommendations to tackle widespread police brutality.¹¹² These need to be implemented urgently. The UN Special Rapporteur on Torture visited Uzbekistan in November-December 2002 and is expected to produce a critical report with strong recommendations to the government. Among the measures that would begin to have some impact are the registration of human rights groups to monitor police behaviour, increased incentive for real oversight from the procuracy, increased independence for the judiciary, and the establishment of an independent complaints commission.
- ❑ The status of the police. The lack of a law on the police leaves law enforcement agents

largely defenceless against political demands and always vulnerable to the machinations of political superiors or other justice bodies. And it also ensures that there is uncertainty about the public's rights and how much power the police wield. Such a law should include specific prohibitions against torture and incorporate the elements of the UN Code of Conduct for Law Enforcement Officials.¹¹³

- ❑ Media freedom. The abolition of censorship should not be followed by informal restrictions on editors. Rather, the government should encourage greater discussion of justice reform in the press and take measures to prevent harassment of journalists who address these issues. The present media discussion on the legal status of the procuracy should be expanded to include ideas for a law on the police, and a discussion of their role in society.
- ❑ Corruption is the greatest threat to security and the weak point in any commitments to fight terrorism. It is undermining the whole security sector in Uzbekistan. Even from the narrow perspective of the government, there is logic in addressing the worst manifestations of this problem. A good start would be an attempt to root out bribery from the entrance procedures for police training institutions, such as the police academy in Tashkent. Establishing a joint commission comprising government, NSS and procuracy officials to tackle the task may have at least some impact. Permitting more freedom for the media to investigate police corruption would be much more effective, but is unlikely to happen in the near future.
- ❑ Links to organised crime also undermine police effectiveness. In the long term this requires a whole range of governance measures, but in the short term some police officers have suggested re-establishing a joint department for fighting organised crime, involving officers of the NSS, procuracy, and MIA. Such a joint department existed in the early 1990s and was apparently more effective than the present separate departments in each institution because competition between the

¹⁰⁹ See a range of articles in the media. Sergei Yezhkov, "Faktor ustrasheniya", *Pravda vostoka*, 30 October 2002, p. 3; Leonid Khvan, "Diskreditatsiya prava", *Pravda vostoka*, 9 November 2002, p. 2; Alisher Allamuratov, Orif Nasibov, "Nadzor, prizvannyi obespechivat zakonnost", *Narodnoe slovo*, 7 November 2002, p. 2.

¹¹⁰ Sergei Yezhkov, "Faktor ustrasheniya", *Pravda vostoka*, 30 October 2002.

¹¹¹ Yezhov notes that among some 700 representatives of law enforcement agencies and the justice system who are serving prison sentences, there is just one procurator. Sergei Yezhkov, "Faktor ustrasheniya", *Pravda vostoka*, 30 October 2002.

¹¹² "Conclusions and recommendations of the UN Committee against Torture", 28 May 2002.

¹¹³ The code of conduct is available online at <http://www.hri.ca/uninfo/treaties/42.shtml>.

different security bodies lessened the possibilities for corruption.

- ❑ Personnel and staffing. Resources should be shifted back to criminal police and operational divisions from the overstaffed patrol police and bureaucratic departments in the ministry. A serious review of budgeting and staffing needs would almost inevitably conclude that the MIA was overstaffed and could be reduced.

Even reforms as modest as these are unlikely to happen without strong external pressure. Though there may be progressive members of the elite who consider reform necessary, their political weight is unlikely to match that of the security sector. The only real chance that reforms may be implemented comes from international involvement.

2. International involvement

Under the Agreement on Strategic Partnership established between the U.S. and Uzbekistan in March 2002, the U.S. committed itself to providing assistance to law enforcement agencies as part of a wider relationship, including improvements in human rights. But there was no discussion in the document of reform within the law enforcement structures as part of this assistance package.

In the 2002 fiscal year Washington's assistance to the military and law enforcement agencies in Uzbekistan will amount to U.S.\$59.8 million. Most of this money goes on non-proliferation activities, primarily to border guards and customs.¹¹⁴ There is also some training, mainly in anti-narcotics work, including courses at the U.S. International Law Enforcement Academy (ILEA) in Budapest. Other

aid under this program includes technical assistance and equipment.¹¹⁵

The impact of this training and technical assistance is hard to assess without more public information. But the aid does not tackle the real problems of the law enforcement agencies outlined above: corruption, political interference, human rights abuses and loss of competent officers. High-tech equipment is often not accompanied by sufficient training, and never gets round the problem of corruption. The U.S. has funded installation of special radiation detectors at the main Uzbek-Kazakh border post, and distributed handheld detectors to other parts of the border, but there are plenty of border posts where there is very little chance of being detected, particularly if corrupt payments are involved.¹¹⁶

Other bilateral donors have also begun engaging law enforcement agencies, again largely with technical assistance. Among them, Germany has taken a lead, also with training and assistance to the military and law enforcement.

None of these bilateral programs is designed to reform the system. They have the advantage of opening up lines of engagement but in most cases these channels are not used to put pressure on institutions to carry out internal reforms. Technical assistance may provide some additional security on issues such as nuclear proliferation, although the benefits are probably fairly marginal. In reality, determined professional terrorists or smuggling gangs can pass through Central Asian borders with little problem, as long as they have the necessary financial resources. In addition, a focus on only narrow technical aspects of proliferation or anti-terrorism provides a level of legitimization for existing police practices. All training, even of a technical nature, should be provided in a context that emphasises the need to tackle wider problems, including human rights abuses and corruption.

Beyond technical assistance, the opportunities for serious international engagement in reform of police structures is limited. The UN ODCCP has a

¹¹⁴ From the Emergency Response Fund, the U.S. is providing an estimated \$18 million under the Export Control and Related Border Security Program, including \$14 million specifically for an Aviation/Interdiction Project to enhance border security and counter-terrorism. Uzbekistan also received \$25 million in the financial year 2002 in Foreign Military Financing from the Emergency Response Fund for communications equipment to enhance interoperability with U.S. and other nations' forces, and an estimated \$1 million has been allocated for Uzbekistan in 2002 for International Military Education and Training. Also in 2002, the Department of Defence will continue Cooperative Threat Reduction assistance activities in Uzbekistan.

¹¹⁵ Typical of this program was a grant of nine specially-adapted four-wheel drive vehicles worth U.S.\$300,000 to the Uzbek Customs Committee in 2001. This kind of aid does not address the real problems of border control and potentially fuels corruption.

¹¹⁶ Scott Peterson, "Uzbeks block Central Asia's nuclear corridor", *Christian Science Monitor*, 7 August 2002.

number of programs with law enforcement agencies but these are almost exclusively focused on drugs trafficking.¹¹⁷ The OSCE has also been involved in training initiatives on human rights and small arms smuggling and has some interest in becoming more engaged on police issues.

ICG has consistently argued that critical engagement is vital in Uzbekistan if only to ensure that a new elite with different ideas can emerge capable of taking up posts in future institutions. But this engagement must not gloss over the huge abuses within state structures, and particularly within the security services. Too much international engagement has failed to point out the serious shortcomings of the present system, providing legitimisation for illegal government practices.¹¹⁸ International pressure and exposure do have an impact on policy in Uzbekistan, especially with the present security relationship with the U.S. at stake to some extent.

In the first place, there may be scope for involvement in judicial reform. OSI and the American Bar Association's Central European and Eurasian Law Initiative (ABA/CEELI) have fairly strong programs in this field. Support for advocates' associations to produce bulletins and organise seminars, for example, provides more opportunity for publicising the abuses of the system, including by police, and space for discussing reforms. Through judicial reform, sooner or later the issues of policing and the whole security sector will also come to light. Just as transforming policing without judicial reform is in the long run unlikely to work, so the opposite is true.

Secondly, there is the possibility of raising greater civil awareness of security sector issues through support for academic study, civil associations, NGOs and work with groups of advocates. Security sector reform has not yet been seriously examined by international conferences or study programs, although a number of conferences and seminars have looked at narcotics control, customs and border issues, judicial reform, and other related topics. Assessment through discussion and academic studies would be a first step to a more open debate within Uzbekistan about the role of the police.

Thirdly, continued monitoring of individual human rights abuses has some impact on wider issues of policing and needs support. It is also vital that international organisations and national governments continue to press for full compliance with international conventions that Uzbekistan has signed, including those related to torture. Unfortunately, human rights groups in Uzbekistan face serious internal and external obstacles to achieving a high level of professionalism. Above all, the government's refusal to register them needs to be regularly challenged. Human rights groups themselves are beset by internal differences and personality clashes. There is a real need to train younger activists in careful monitoring and reporting of cases, among other skills. The new Freedom House office in Tashkent plans to introduce more training for such groups.

What independent media does exist also deserves continued support, including for internet sites. Providing training and expertise for reporters on law enforcement topics would be a useful addition to the growing number of education courses offered by international organisations to journalists.¹¹⁹ But more important is international protection for journalists working on such issues, where the possibilities of reprisals are all too real.

Improving public awareness of people's rights is a key element in raising this debate. Police are noticeably less likely to abuse the rights of those with knowledge of the law. A first step might be the publication of a booklet outlining the rights of the public vis-à-vis the police that would be available to citizens and in every police station. Four or five basic rights should be well known to those coming in contact with the police. A publication would also provide advice on where complaints can be lodged.

Some international organisations may be wary of engaging with the justice sector in Uzbekistan, fearful of legitimising a corrupt and abusive system. But international engagement at all levels can at least challenge the widespread notion that abuse is somehow 'normal' and an accepted part of international policing. Sending officers on training courses may seem like an empty gesture, but if they are properly designed, with an emphasis on human

¹¹⁷ See <http://www.odccp.org/uzbekistan/projects.html> for a list of projects.

¹¹⁸ The many delegations that passed through Tashkent in 2002 seldom made any serious critical public statements.

¹¹⁹ Among those involved are the Swiss group, CIMERA, the Konrad Adenauer Stiftung, in conjunction with Deutsche Welle; and Internews, a U.S.-backed NGO that concentrates on electronic media.

rights and due process, they can have an impact on their thinking. However, they will never reach significant numbers and will not produce the kind of systemic change that is required. The problem is implementing new ideas in a rigid system. International organisations should, nevertheless, consider reaching out to wider numbers of police officers and justice officials through visits by experts, conferences, seminars and human rights training.

Beyond these initial steps, reform of Uzbekistan's security services remains a long-term goal. In reality, the only significant levers on the behaviour of the government are its relationships with the U.S. and with international financial institutions and bilateral donors. Because the strategic partnership with the U.S. is vital for the government, Washington has much more scope to take a stronger line on justice issues, but this will require a consistent message from all its departments – something noticeably lacking over the past twelve months.

As the economy experiences increasing problems, the government will face an increasing need for assistance. The international community should insist that real measures towards judicial and security sector reform are an integral part of overall reforms. Without this, the prospects for economic development, let alone human rights improvement, seem very distant.

VI. CONCLUSION

The problems posed by Central Asia's law enforcement agencies should provoke a debate on transformation of their responsibilities. This should be part of a much wider debate on improvements in judicial systems, broader issues of governance and economic management, and of democratisation in general. The police are in many ways central to such a debate, but for the most part have not been included in it.

Progress in discussion of police reform in other parts of the world and lessons learnt from previous attempts at change have only partially penetrated Central Asia, despite the obvious need for such ideas. Many problems faced by the police in the region are not unique.

Torture is the issue most in need of immediate attention by the international community and the governments of Central Asia. Ending a practise that violates universal human values is important but torture also undermines the legitimacy of governments and enhances the ability of extremist groups to recruit active members and supporters. The United States, the members of the European Union and Japan should jointly press the governments of Central Asia to do everything in their power to end the use of torture.

There is widespread recognition of the limited bureaucratic capacity of governments in the region as well as widespread resistance to reform but the following measures should be urged upon these governments, particularly in Uzbekistan and Tajikistan:

- ❑ A provision in law and policing procedures that allows all detainees access to lawyers, family members or doctors within a reasonable time from the moment of detention. Lawyers should be present during interrogations. Detainees should always be made aware of this right on arrest.
- ❑ The implementation of a comprehensive program of custody records that keep detailed information on times of arrest, health and signs of injuries, when the detained person was informed of his/her rights, when questioned, visits by lawyers, doctors, and families and appearances before judges.

- ❑ The establishment of publicly available guidelines on interrogation that lay out times allowed for questioning, rest periods, and limits on the questioning of those who are particularly vulnerable such as the mentally ill.
- ❑ Audio or video recording of interrogations.
- ❑ A legal obligation on judges and procurators to investigate complaints of torture, and to reject evidence where there are reasonable grounds for believing it has been achieved through torture.
- ❑ The establishment of police complaints procedures and mechanisms through which those subjected to abuses can receive compensation.

Putting these measures into place will require coordinated political pressure from Western donors along with funding and training. It will need to be stressed repeatedly that the use of torture significantly enhances security risks in the region.

An important step in improving police effectiveness and behaviour is to engage public consciousness on the issue, both in government circles and wider society, and in the institutions of the international community active in the region. The media is an important tool for tackling police abuse, and there needs to be protection for journalists willing to address such issues. Wider discussion could be promoted through a variety of forums, from regional conferences, to workshops with the police, to assistance for the media in covering these issues.¹²⁰

More NGOs should be encouraged to interact with the police and become involved in police monitoring, citizens' rights and policy advice. Human rights groups should be supported, but training might also be considered in how to encourage systemic reform in addition to highlighting individual abuses.

Beyond the wider critical issue of torture, which should be at the top of the agenda, the need for more public and media involvement, and finding ways, within budgetary realities, to pay police adequate salaries as a measure to discourage

corruption, the possibilities for useful engagement differ by country.

The most difficult situation is in Uzbekistan, where the role of the police is more controversial than in the other countries examined, and the political opposition to reform is probably greater. It is clearly going to be difficult to stimulate reform in a political environment that is non-democratic, but at least some steps can be taken to limit the powers of the police and focus their attention on crime rather than political protection. Present concentration on the problems of the judicial system provides some scope to widen the agenda and include law enforcement agencies. Exposure is of great importance, and all projects that provide monitoring of police behaviour should be encouraged. But pressure should also be put on political institutions and leaders to change policies that put honest police officers in impossible positions.

In Kyrgyzstan there is much more potential for transformation of the police and justice system but as with all reforms in that country, there is a danger that fine rhetoric and donor involvement will not produce results on the ground. International parties should take a long-term view, identify real obstacles and make inclusion of the police themselves and the general public in the process of addressing reform a priority.

In Tajikistan the time is also right for new attention to be focused on law enforcement agencies but the difficulties should not be underestimated. A high level of criminalisation of police structures ensures opposition to root and branch reform, and serious structural and personnel changes, including demobilisation of personnel, risk destabilising the political situation. Ignoring the problem, however, is probably no longer viable, and first steps need to be taken.

International assistance should move from its present nearly exclusive concentration on anti-terrorist and anti-drugs programs. Useful as these may be in some circumstances, without wider reform of law enforcement agencies, they only make marginal security improvements and on occasion may decrease the willingness to reform and promote or legitimise corrupt structures. Anti-terrorist activities need to be seen in a wider context, including the relationship between police and society, and the link between repression and radicalism.

¹²⁰ The Konrad Adenauer Stiftung has done useful work on discussion of police reform in other parts of the world and could consider whether this might be a useful contribution to its work in Central Asia.

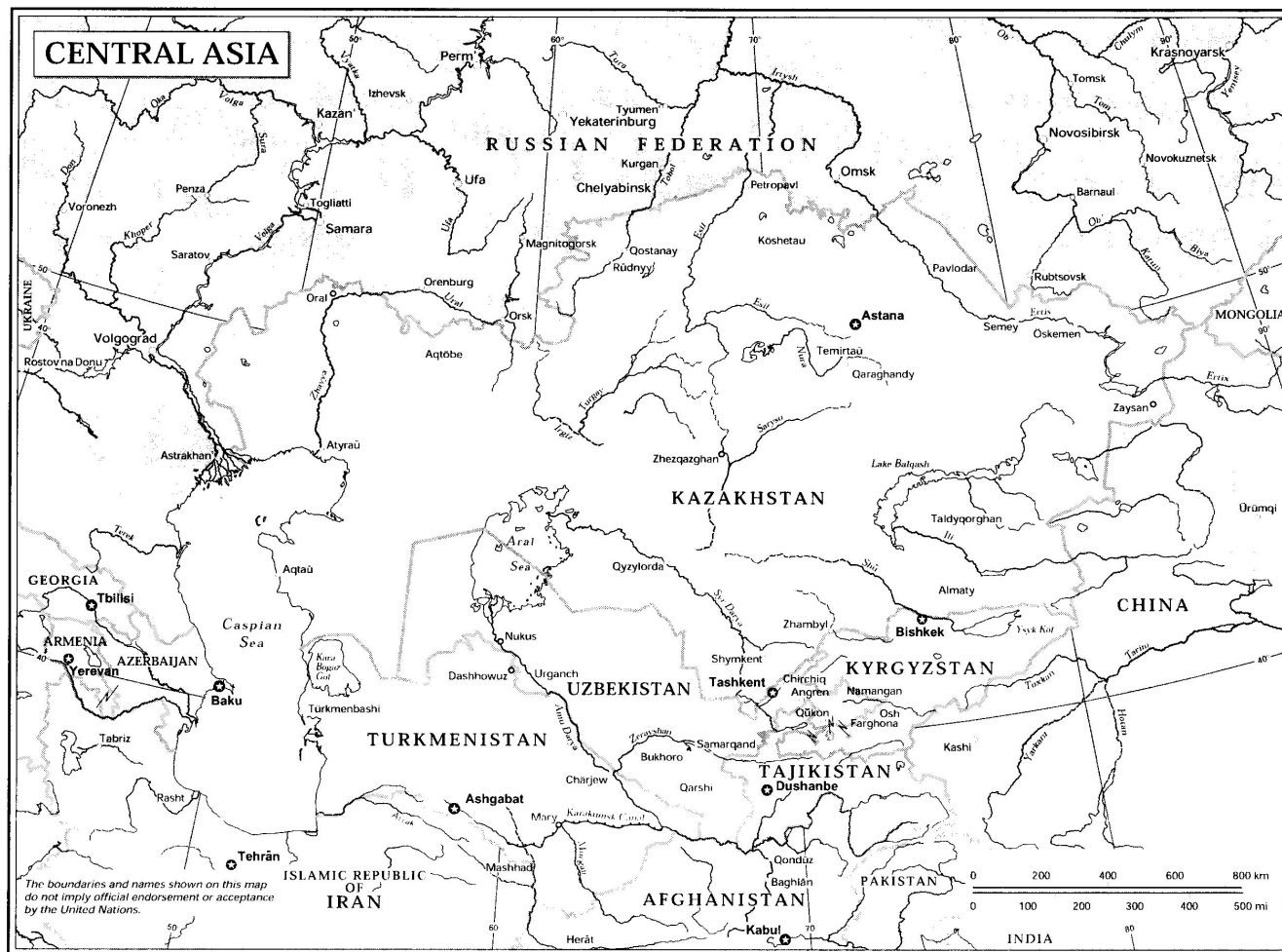
Central Asian governments would no doubt find international support for genuine attempts at reform.¹²¹ But donors need to ensure that it is part of a wider process of democratisation, and not merely an exercise in window-dressing. A modernised police force, within a more independent judicial system, would eventually reap huge benefits, not just in terms of human rights, but in economic development and the broader aims of good governance as well. For some Central Asian elites, these aims contradict their own personal interests in the short term, but leaders with vision will see them as a critical part of the long-term development of their countries.

Osh/Brussels 10 December 2002

¹²¹ In particular, the OSCE's Strategic Police Matters Unit, based in Vienna, has begun developing serious proposals for Central Asian states in this area, beginning with Kyrgyzstan. Its attempts to engage on this issue deserve financial support from OSCE participating states, but also wider political support, without which reforms will be difficult to sustain. Programs also need good coordination with other initiatives in the field, and cooperation on the ground with NGOs, the media and wider society, particularly with regard to human rights issues. An overview of activities is provided in OSCE, "Annual Report of the Secretary-General on Police-Related Activities", Vienna, 27 November 2002.

APPENDIX A

MAP OF CENTRAL ASIA



APPENDIX B

GLOSSARY OF ACRONYMS

ABA	American Bar Association	NDI	National Democratic Institute
ABA/CEELI	American Bar Association/Central European and Eurasian Law Initiative	NGO	Non-Governmental Organisation
CIMERA	Civic Development Media Support Research and Analysis	NSS	National Security Service
DCA	Drug Control Agency (UN)	NUPI	Norwegian Institute of International Affairs (<i>Norsk Utenrikspolitisk Institutt</i>)
DFID	Department for International Development (United Kingdom)	OECD	Organisation for Economic Cooperation and Development
DEA	Drug Enforcement Agency (U.S.)	OSCE	Organisation for Security and Cooperation in Europe
GTZ	German Technical Assistant Fund (<i>Deutsche Gesellschaft für Technische Zusammenarbeit</i>)	OSI	Open Society Institute
HRSU	Human Rights Society of Uzbekistan	PPS	Patrol service (<i>Patrolno-Postovaya Sluzhba</i>)
ICD	Independent Complaints Directorate	U.S.	United States
ILEA	International Law Enforcement Academy	UK	United Kingdom
IMU	Islamic Movement of Uzbekistan	UN	United Nations
INL	Bureau for International Narcotics and Law Enforcement (U.S.)	UN ODCCP	United Nations Office for Drug Control and Crime Prevention
KGB	Committee for State Security (<i>Komitet Gosudarstvennoi Bezopasnosti</i>)	UNDP	United Nations Development Program
MIA	Ministry of Internal Affairs	USSR	Union of Soviet Socialist Republics

APPENDIX C

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 80 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices

(in Amman, Belgrade, Bogotá, Islamabad, Jakarta, Nairobi, Osh, Pristina, Sarajevo, Sierra Leone and Skopje) with analysts working in over 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, the whole region from North Africa to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Luxembourg, The Netherlands, Norway, Sweden, Switzerland, the Republic of China (Taiwan), Turkey, the United Kingdom and the United States.

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December 2002

APPENDIX D

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APPENDIX E

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